

## ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

### REGULAR SESSION – JANUARY 25, 1999

The Board of Island County Commissioners met in Regular Session on January 25, 1999, beginning at 11:30 a.m., in the Island County Courthouse Annex, Hearing Room I, Coupeville, Wa., in Roundtable Session with the Island County Elected Officials.

Attending:

Commissioners: Mike Shelton, Wm. L. McDowell; Wm. F. Thorn

Elected Officials: Tom Baenen, Greg Banks, Marilee Black, Maxine Sauter, Suzanne Sinclair

Others: Margaret Rosenkranz

#### Computer Issues

There was some conversation around computer issues concerning the organization the County contracts with to bring information from the mainframe to P.C. base system is in fact large enough a firm to handle all issues. Useful to arrange meeting between Auditor, Assessor and Treasurer, with the programmer and Cathy Caryl deal with issues about the recording system, property management system, and LID system, since ultimately they all tie together. It would be useful too to do a surface inventory. General consensus was that Central Services seemed to be struggling to keep up with the work rather than there being a lack of technical competence. Assessor will take the lead and organize such a meeting which will include a representative of the Board and affected departments [after tax statements are out], and get with Cathy Caryl to work out a schematic.

One problem is "learning by doing". It is a management issue as opposed to a technical issue. Right now, programmers have done an excellent job in the way the Assessor's program relates to the Treasurer's and think tax statements will be on time. There is no reason to think programmers are not capable of doing the work, but are often taken out of job sequence to put out brush fires. Like to see some assessment of the programming – what the progress is and see closer administration of the contract. A priority schedule should be developed and establish priorities based on that.

The Prosecutor reviewed the computer problems in his Office, going back to October when the former Prosecutor attempted to get a replacement and/or repair. A new staff position is due to start on Monday, and there is a need to know where they are on the waiting list to have hardware installed. Even among machines in the same office there is a lack of standardization, as well as different versions of software.

In terms of the Prosecuting Attorney's Office, Chairman Shelton stated that a computer replacement could be authorized within the 1999 capital equipment budget due in March; if a computer is not functioning, the Board certainly could authorize purchase sooner. The new position in the Prosecutor's Office came with funding for a computer, etc.

A possibility suggested by Commissioner Thorn was to talk to Ms. Caryl about contracting out installation kind of work which would leave the technical folks for other pressing needs.

#### ARCHIVES/FILES/SURPLUS EQUIPMENT

With respect to the Prosecutor's Office, Mr. Banks will talk to the Clerk about archives and files. Chairman noted the importance for everyone to recognize when something is not sold at a "garage sale" it all ends up at the landfill. Some equipment is not worth anything and departments have to accept that and throw it away [surplus].

#### UNION NEGOTIATIONS

Elected Officials would like to see a continuation of up-dates from Bob Braun; like a briefing; Chair agreed to arrange such a meeting for that purpose. Board met with Elected Officials for the next 5 minutes in closed session, as allowed under R.C.W. 42.30.140 (4)(b).

Roundtable adjourned: 12:30 p.m.

Topics Next Roundtable: Capital Equipment Purchases and Budget Planning and Priorities.

The Board of Island County Commissioners (including Diking Improvement District #4) met next in Regular Session at 1:30 p.m., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present. Minutes from previous meetings were approved and signed as follows, on majority vote of the Board, Commissioner Thorn abstained:

November 2, 1998 November 16, 1998

November 23, 1998 December 7, 1998

**Vouchers And Payment of Bills**

The following vouchers [warrants' were approved by unanimous motion of the Board:

1998: Voucher (War.) #42792-43120..... \$ 635,163.06

1999: Voucher (War.) #42639-42790..... \$ 325,429.80.

**Veterans Assistance Fund:** [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. By unanimous motion, the Board approved, as recommended by the Veterans Assistance Review Committee, Claim #V99-2 in the amount of \$1156.68, with balance of claim denied.

**APPOINTMENTS AND/OR REAPPOINTMENTS TO VARIOUS COMMITTEES**

The Board, by unanimous motion, named the following individuals to serve on various boards, committees and/or commissions:

- *Clinton Sub-Area Advisory Planning Committee:* William Stebbins, Clinton
- *Sno-Isle Regional Library Board:* Concurrency in Snohomish County Council appointment of Jeannie Steffner for a term to 1/1/05.
- *Island County Planning Commission:* Dave Osterberg, Camano Island, term to 1/02/03

**Staff Session for February**

The Staff Session for February, 1999, was approved by the Board for distribution, outlining the regular staff sessions to be held on February 3 and 17, beginning at 9:00 a.m.

**CONTRACT for Real Property Tax Calculation**

**and Billing Application, Amendment D**

Cathy Caryl, Director, Central Services Department, presented for the Board's review and approval, Amendment D to Agreement for Professional Services, Contract RM-CENT-95-0017, between Island County and TEC Services, the final amendment related to the County's assessment/taxation system, calculation portion, for the sum of \$138,190. She anticipated timely tax billings, and noted at this point, the Consultant was a week ahead of original schedule. Test tax forms were printed out this morning, and except for some minor tweaking, things calculated out fairly well. Main focus of Contractor now is on tax calculation. She agreed that what had been saved in just the software maintenance on

the old system has more than paid for this contract. The old system would not have been able to go on in the year 2000 at all. All this new programming has no Y2K glitch; it will not be a problem with the new system.

Bernice Bainbridge, Chief Deputy Treasurer, commented that on Page 5 of Amendment D, Item #10, Paragraph 2, referencing feasibility of tax bills being bar-coded, could not be done this year

and will have to be done for next year and needs to be addressed for the future. She stressed the importance that before anything is set up as far as bar-coding the Treasurer must be included in that process.

Ms. Caryl explained that the bar-coding had already been implemented into the system, but the bar codes will not be printed on the tax statements because the bar-coding equipment is not available or in place at this time. To print the bar codes will only take about an hour's worth of programming.

The Board, by unanimous motion, approved Amendment D to Professional Services Contract #RM-CENT-95-0017.

**Hearing SCHEDULED: Ordinance #C-05-99, Amending the Island County District Court Districting Plan Chapter 1.12 ICC, to Establish a Coupeville Municipal Court Department**

By unanimous motion, the Board scheduled proposed Ordinance #C-05-99, in the matter of amending the Island County District Court Districting Plan, Chapter 1.12 ICC, to Establish a Coupeville Municipal Court Department, for public hearing on **February 8, 1999 at 9:55 a.m.**

The Ordinance would amend the Island County Districting Plan, Chapter 1.12 of the Island County Code to establish a Town of Coupeville Municipal Court Department at the central District Court in Oak Harbor. The District Court Judge would spend 2% of his time on Coupeville Municipal Court matters and the Town of Coupeville would fund its 2% of the overall cost of operation of the District Court and probation services.

**Hearing Scheduled: Ordinance #C-06-99, Amending Island County Code Subsection 3.22A.040.C, Conservation Futures Program**

By unanimous motion, the Board scheduled proposed Ordinance #C-06-99, in the matter of amending Island County Code Subsection 3.22A.040.C, for public hearing on February 22, 1998, at 1:55 p.m. As noted, Exhibit A contains the proposed amended language as follows:

**3.22A.040 Establishment of the Conservation Futures Program Citizen's Advisory Board**

...

C. **C.A.B.** members shall be appointed by the **Commissioners** and shall serve three

(3) year terms. **C.A.B.** members may be removed by the **Commissioners** only for

good cause. **C.A.B.** members shall not be compensated for their services. **C.A.B.**

members may be re-appointed ~~to a second term~~. No **C.A.B.** member shall serve

more than two (2) consecutive full terms unless it is deemed advantageous to do so by

concurrence of a majority of the **C.A.B.** members and a majority of the **Board of**

**County Commissioners**. All **C.A. B.** members shall have been residents of Island County for a least one (1) year prior to their appointment to the **C.A.B.**

**AMENDMENT TO INTERAGENCY AGREEMENT, # 0916001321**

**- Family Planning Services**

The Board at the December 9, 1998 Staff Session reviewed Contract for Family Planning Services, #091600132, with the State of Washington, Department of Social and Health Services, and at this time, by unanimous motion, approved the Contract Amendment to provide an additional \$81,820, extending hours from 12 to 20 per week for public health nurse.

**Local Government Certification for Housing Authority of Island County Application to the State of Washington for Funding from the Emergency Shelter Grant Program**

By way of a letter dated January 20, 1999, Steve Gulliford, Executive Director, Housing Authority of Island County, requested the Board's signature on a "Local Government Certification" for their application to the State of Washington for funding from the Emergency Shelter Grant Program. The Housing Authority has coordinated this application for a number of years and it is their intent to apply for the same amount of funding, \$80,000, that was awarded to them last year. The Board, by unanimous motion, authorized the Chairman's signature on behalf of the Board on the Local Government Certification.

**Hiring Requests & Personnel Actions**

After summary and brief review of four proposed Personnel Authorization Actions by Dick Toft, Human Resources Director, the Board on unanimous motion, approved the following:

**DEPT. PAA # DESCRIPTION ACTION EFF. DATE**

Sheriff 004/99 Corr. Officer #4015.05 Replacement 4/20/99

Public Works 005/99 Pub. Works Mgr #2503 Replacement 2/1/99

Public Works 006/99 Adm Asst ER&R #2211 Replacement 2/5/99

Public Works 009/99 Eng Tech III, I #2225.01 Replacement 2/2/99.

**add left turn lane, Eastbound SR 20 to Zylstra Road, realign intersection and improve sight distance, and other work**

- **WSDOT Participating Agreement GCA 1627**
- **WSDOT Turnback Agreement TB 1-0117 – SR 20, Zylstra Road vicinity**
- **Resolution #C-07-99 (R-2-99) – Approve quitclaim deed to WSDOT**
- **Quitclaim Deed for Zylstra Road r/W**
- **WSDOT Detour Agreement HRD 1-0244**

Larry Kwarsick, Public Works Director, presented paperwork associated with a joint project between Washington State Department of Transportation [WSDOT] under Participating Agreement #GCA 1627, adding a left turn lane from eastbound SR 20 to Zylstra Road, realigning intersection and improving sight distance, and other work at that intersection, for a project cost of \$1,085,030, Island County's portion of that approximately \$21,937.

By unanimous motion, the Board approved Turnback Agreement TB 1-0117 – SR 20, Zylstra Road vicinity; Resolution #C-07-99 (R-2-99), Approving County quitclaim deed to WSDOT for R/W Zylstra Road per Turnback Agreement TB 1-0117; Quitclaim Deed for Zylstra Road R/W, Section 30, Twp 232N, Rge 1E; WSDOT Detour Agreement HRD 1-0244 for the temporary closure of Zylstra Road and detour using Arnold Road.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF APPROVING )**

**COUNTY ROAD QUIT CLAIM DEED TO ) RESOLUTION C-07-99**

**WSDOT TO COMPLY WITH HIGHWAY ) R-2-99**

**PROJECT AND BENEFITS DERIVED BY )**

**TRANSFER FOR WIDENING AND )**

**CONSTRUCTION OF ZYLSTRA ROAD )**

WHEREAS, WSDOT has been coordinating with Island County for/in the widening of SR 20 with various improvements thereto, all for the benefit of the motoring public, and in particular for the residents of Island County; *AND*, a Quitclaim Deed to WSDOT is required to clear title to that portion of Zylstra Road located within the highway project limits of SR 20, Libbey Rd. to Zylstra Rd.; with a portion of said Zylstra Road to be turned backed by WSDOT to said Island County after completion of said project.

WHEREAS, Island County holds title to that portion of Zylstra Road needed by *AND* to be transferred to WSDOT for the widening and construction of said highway project. And, after construction, WSDOT will be responsible for any and all maintenance of said portion needed for the project. NOW THEREFORE,

BE IT HEREBY RESOLVED that the Quitclaim Deed for transfer of a portion of Zylstra Road is approved and that the undersigned County Commissioners are authorized to sign, have notarized, and return said Quitclaim Deed to WSDOT, together with a signed copy of this Resolution.

ADOPTED this 25<sup>th</sup> day of January, 1999.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

*Mike Shelton*, Chairman

*Wm. L. McDowell*, Member

*William F. Thorn*, Member

ATTEST: *Margaret Rosenkranz*,

Clerk of the Board

BICC 99-39

**Resolution #C-08-99 (R-3-99) – Approve specs and authorize  
call for bids for 1 New 1999 Chip Spreader**

The Board by unanimous motion, adopted Resolution #C-08-99 (R-3-99), approving specifications and authorizing call for bids for 1 New 1999 Chip Spreader with mandatory trade-in and setting bid opening date on 2/11/99 @ 11:45 a.m., Main Street Conference Room #7, 400N. Main, Coupeville.

**S T A T E O F W A S H I N G T O N**

**C O U N T Y O F I S L A N D**

**IN THE MATTER OF APPROVING }**

**SPECIFICATIONS & AUTHORIZING } RESOLUTION #C-08-99**

**CALL FOR BIDS FOR: } RESOLUTION #R-3-99**

**1 NEW 1999 CHIP SPREADER }**

**WHEREAS**, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

CHIP SPREADER: ONE (1) OR MORE NEW 1999 CHIP SPREADER, WITH MANDATORY TRADE-IN:

**GRVS# 403: 1985 W.H. SPREADMASTER, VIN# 85019**

**TRADE-IN** is also available for separate sale.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said equipment; **BID OPENING** to be the 11th day of February, 1999 at 11:45 a.m., in Main Street Conference Room #7, 400 N. Main, Coupeville, Washington.

**ADOPTED** this 25<sup>th</sup> day of January, 1999.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

**ATTEST:**

Margaret Rosenkranz, Clerk of the Board

**Resolution #C-09-99 (R-4-99) – Approve specs and authorize call for bids for 3 New 1999 Tractors WITH Mowers**

The Board adopted a motion unanimously adopting Resolution #C-09-99 (R-4-99), approving specifications and authorizing call for bids for 3 new 1999 tractors with mowers, with trade-in, and setting bid opening 2/11/99 @ 11:30 a.m., Main Street Conference Room #7, 400N. Main, Coupeville.

**S T A T E O F W A S H I N G T O N**

**C O U N T Y O F I S L A N D**

**IN THE MATTER OF APPROVING }**

**SPECIFICATIONS & AUTHORIZING } RESOLUTION #C-09-99**

**CALL FOR BIDS FOR: } RESOLUTION #R-4-99**

**3 NEW 1999 TRACTORS/MOWERS }**

WHEREAS, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

TRACTORS/MOWERS: THREE (3) OR MORE NEW 1999 FORD NEW HOLLAND TS110 TRACTORS, WITH THREE (3) OR MORE NEW NUMAC 60 AHD HEAVY DUTY ROTARY MOWERS, OR EQUIVALENT, MOUNTED ON BIDDED TRACTORS, WITH MANDATORY TRADE-INS:

TRAC398: 1990 FORD 6610/TERRAIN KING, VIN#BC40873

TRAC151: 1990 FORD 6610/TERRAIN KING, VIN#BC40872

TRAC227: 1990 FORD 6610/TERRAIN KING, VIN#BC40871

TRADE-INS are also available for separate sale.

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said equipment; BID OPENING to be the 11th day of February, 1999 at [\*] 11:30 p.m., in Main Street Conference Room #7, 400 N. Main, Coupeville, Washington.

ADOPTED this 25<sup>th</sup> day of January, 1999.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

**ATTEST:**

Margaret Rosenkranz, Clerk of the Board

*\*[note: correct time is 11:30 a.m.]*

**Local Agency Agreement Supplement No. 1 – Madrona Way @ Sherman Road Intersection Bluff Repair**

As presented and recommended by Mr. Kwarsick, the Board by unanimous motion approved

Local Agency Agreement LA 3797, Supplement No. 1 – Madrona Way at Sherman Road Intersection repair of a slide, with the addition of the upgrading of the culvert. The supplemental agreement for the purpose to procure construction and right of way funds for the designed project.

**Certification of 1999 Road Levy – Annual report to CRAB**

The Board, on unanimous motion, the Board approved and signed the Certification of 1999 Road Levy, an Annual Report to the County Road Administration Board [CRAB].

**Temporary Construction Easement - Island County**  
**to Whidbey Island Bank**

On presentation and recommendation of Mr. Kwarsick, the Board by unanimous motion, approved Temporary Construction Easement, Work Order #200, conveyed by Island County to Whidbey Island Bank, for portions of Lots 2 & 3, Plat of Coupeville, the property Island County purchased from the Blacks (former site of Main Street Auto). Whidbey Island Bank has been involved in modifications to their site, including access revisions. As part of that development asked that some changes be made to the existing landscaping on site, and the Bank is willing to accomplish that work at their expense.

**Final Long Plat Approval – PLP 490/97 (Hemlock Woods Div. #2)**

Stacy Tucker, Associate Planner, presented recommendation for Final Long Plat Approval of PLP #490/97, (Hemlock Woods Div. #2, a subdivision of a 23.43 acre parcel into four single family residential lots, Parcel #R32916-435-4170, located in the NE ¼ of Section 16, T29N, R3E, off Coles Road and Green Cedar Lane, South Whidbey. The project was granted conditional preliminary subdivision approval by the Hearing Examiner on June 2, 1998. In a January 12<sup>th</sup> memo to the Board, Ms. Tucker confirmed that the application for final subdivision was reviewed and all conditions of approval met, and that County staff recommended that the Board grant final subdivision approval.

By unanimous motion, the Board granted final long plat approval of PLP #490/97 as presented and signed the final mylar.

**PARTNERSHIP WITH YOUTH RESOLUTIONS RELATED TO APPLYING FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR RENOVATION OF A YOUTH CENTER [ROLLER BARN]**

Rhonda Steele, Program Manager, Partnership with Youth (PWY), a non-profit organization, targeting youth in grade 6-12 serving the area Greenbank to North Whidbey, appeared before the Board to discuss a proposed Community Development Block Grant (CDBG) grant application, looking for up to \$750,000 toward remodeling the Roller Barn in Oak Harbor. The plan is to continue to use the Barn for roller skating and as a youth center. PWY is requesting that the Board adopt a Resolution authorizing submission of the application, and designate Mr. Kwarsick as the authorized Chief Administrative Official to act in matters connected with the application, and to also adopt as part of the application requirements. A second Resolution before the Board was in the matter of Joint Application by Island County and the City of Oak Harbor for CDBG Funds.

Mr. Kwarsick confirmed that he was willing to take on the responsibility for the management of the grant if approved and received. It would then be the responsibility of Island County to act as the lead grant applicant and enter into a sub-recipient agreement with PWY. The Public Works Department has been reviewing the grant draft and made some recommendations in terms of changes to make sure administrative costs are included as well as construction management costs.

Sue Karahalios, President, Board of Directors PWY, was present, in addition to other PWY Board Members: Ruth Hartman, Kathy McLaughlin, and youth member Chris Shallot. Ms. Karahalios explained the focus on serving youth from Greenbank north at this point was that South Whidbey has a center and PWY did not want to infringe on that; however, the center in Oak Harbor is available to those youth and there are a few who have attended activities via Transit system. The matter is tentatively scheduled on the Oak Harbor City Council agenda February 2<sup>nd</sup>. The application in final form must be in the State office February 25<sup>th</sup>.

Inasmuch as the final draft is not yet prepared, it was Mr. Kwarsick's suggestion that this matter be discussed at the February 3<sup>rd</sup> Staff Session. By that time he hoped the City will have acted on the resolution. Ms. Steele is also planning to meet with the Mayor of Coupeville as far as support from the Town of Coupeville. After that is done, the resolutions and the grant itself could be presented to the Board on February 8<sup>th</sup>. He stressed the importance that the Board acknowledge its willingness to take the lead on the grant and move ahead as the applicant.

**Public Comments:** the Chairman called for public comments from any members in the audience. No one came forward at the time to speak to the issue.



**Board Action:** The Board, in the form of a motion, adopted unanimously, stated its intent to

support the Community Development Block Grant in support of Partnership With Youth of Oak Harbor, and that Island County be the lead agency, subject to certain conditions being agreed upon and worked out, which the parties may not yet be aware of, including a sub-recipient agreement.

**Management Plans for Heron and Osprey Habitat Conservation Areas [RE Critical Area Regulations]**

Larry Kwarsick, Island County Public Works Director, recalled that at the time the Board adopted Critical Area Regulations as an amendment to Island County Code 17.02, the Board added the great blue heron and osprey to the list of protected species of local importance, with the designation to take affect upon the date the Board approved habitat management plans for those two species.

Matt Nash, Senior Planner, Community Development Division, Island County Public Works Department, by way of a January 21, 1999 Memo spelled out work to date [copy placed in the GMA Record], which in summary indicated:

"In summary, I hope to have a standard management plan for ospreys within the next week or so, and for herons within the next month or so. I will bring these to staff session as soon as possible for review/scheduling for adoption. Please advise should you have any comments and let me know if you have any questions."

Mr. Nash commented that he had received a preliminary draft management plan for ospreys from Fish & Wildlife staff and wanted an opportunity to look at that closer. As far as the management plan to be developed for the heron, he suggested he work with Fish & Wildlife staff and initiate some type of local public participation process to come up with a plan. He was aware that Fish & Wildlife staff have some concerns about a stock management plan for heronries and want to be involved in developing such a plan. As indicated in his memo, there are five known active heronries in the County, based on Fish & Wildlife information as of October.

Commissioner Thorn observed that in acknowledging heronries' individuality as outlined in Mr. Nash's memo requiring individual assessment, it would seem there needed to be five plans. Mr.

Nash agreed, noting that probably only 4 individualized plans would be needed since the 5<sup>th</sup> heronry is located on NAS Whidbey property and not in Island County's jurisdiction.

Commissioner Thorn was supportive of Mr. Nash working on the individualized plans, though they may have a lot of similarities, there are some site specific differences, and endorsed the idea of working with Fish & Wildlife staff in order to have their concurrence as the County moves

along. He was interested in seeing a date certain for each of the two sets of plans, his concern is that the species designation does not occur until the Board adopts the plans, so in his mind there is some urgency that the plans be done.

If strictly a local issue, Mr. Nash stated he would be comfortable establishing a date certain, but he cannot speak for Fish & Wildlife.

Mr. Kwarsick pointed out that from the standpoint of osprey, the County is well on the way to completing a cooperative management plan, therefore, easier to think about a date certain for osprey plan than for herons.

Mr. Nash suggested he bring a draft plan for osprey to a future staff session, with the plan then scheduled for adoption by the Board. He will need to research heronries known to exist and

develop a separate plan for each one. And as Mr. Kwarsick noted, this is an ambitious effort, one that requires cooperation of the property owners.

While Commissioner McDowell could not agree more, his concern was that in trying to meet some time specific date,

this does throw a bigger problem into that process and hoped the property owners involved recognize it actually will be in their best interest to work with the County. Chairman Shelton agreed that he hoped property owners with heronries on their property when offered that the County will prepare a heron management plan would perceive that as an advantage. He suggested the effort begin, and as Mr. Nash completes an individualized plan, he bring that plan to the Board.

The Board's direction to Mr. Nash was to move forward as expeditiously as possible as recommended as far as the heronries, and bring the osprey management plan to the February 3<sup>rd</sup> Staff Session for review, and to schedule that plan for adoption.

Mr. Nash was confident that he could, at the February 3<sup>rd</sup> Staff Session, bring a draft osprey management plan. He did note that the Ordinance states that the protection is to become effective upon adoption by the Board of the management plan, which to him implied an adoption process.

Keith Dearborn, County's GMA Legal Advisor, clarified that the adoption process is that the Board adopt the plan by resolution, the same as the Board adopted for the critical drainage areas.

Commissioner Thorn was concerned about protection of the heron in the interim.

Mr. Dearborn explained that these species are not on the rare, threatened or endangered list or identified as a sensitive species, and do not automatically get the protection in the Critical Areas Regulation. Rather, these are discretionary on the part of the County, species of local importance. There is no record there was an urgency these were on the verge of being lost; if so, they would have been on the rare, threatened, endangered or sensitive list. Not having that, Mr. Dearborn recalled that the Board felt they should be designated, had historically been designated on the County's list before the Critical Areas Regulations took affect in 1984. At the time, the Board did not think it would take this long or be this difficult to develop a management plan. There was no concept that the heron management plan would be four management plans instead of one.

Commissioner Thorn realized the heron were not a threatened species, but noted Mr. Nash's comments in the memo stating they are in decline in Island County. Their displacement from Island County would be a tragedy. He quoted from Mr. Nash's memo: "As little as ten years ago, a dozen or more active heronries...." so they are in the process of being displaced in that sense of the word threatened and it seemed to the Commissioner that in face of an uncertain date to get four new plans developed, disconnect them again so they could have the designation in the interim with the plans to follow as soon as Mr. Nash is able to get them done.

Commissioner McDowell expressed his willingness to review comments, look back at the issue and think about that suggestion, and suggested this too be a topic of discussion at the February 3<sup>rd</sup> staff session along with a draft osprey management plan.

**Scope of Work PROPOSAL FROM Adolfson Associates, INC. to review and comment on a number of nominations to list of plants as Species of Local Importance -- REFERRAL TO ISLAND COUNTY PLANNING COMMISSION**

Next, Mr. Kwargsick presented for review and discussion, a proposed scope of work from Adolfson Associates, Inc., Seattle, Wa., to review and comment on a request made by Whidbey Environmental Action Network [WEAN] who nominated certain plant species to be included as part of Species of Local Importance. A companion item was a recommendation that the Board

refer the matter to the Planning Commission for their consideration at their March 9, 1999 meeting. Mr. Kwargsick believed by that date, the work under the contract with Adolfson & Associates would be complete so that the Planning Commission would have the report in hand at that meeting. It was his request at this time that the Board authorize the signing of a contract for the scope of work as outlined in Adolfson Associates, Inc. September 29, 1998 letter to Alison Moss, in that he has not yet prepared that contract.

**Board Action:**

(1) The Board, by unanimous motion, authorized the Public Works Director to proceed with the development of a contract in accordance with the letter from Adolfson Associates, Inc., to Alison Moss dated September 29, 1998, and scope of work therein, and that the Chairman be authorized to sign said contract in an amount not to exceed \$5,000.

(2) Again, by unanimous motion, the Board approved referral of the subject to the Planning Commission for their consideration at their March 9, 1999 meeting, that being, the review of the nominations to the list of plant Species of Local Importance as nominated by WEAN, subject to the availability of Adolfson Associates, Inc. input.

*[note: refer also to Memorandum dated 1/22/99 from Matt Nash to the Board regarding "Designation and Management Strategies-Species of Local Importance"]*

**HEARING HELD: Ordinance #C-01-99 [PLG-003-99] Adopting the Langley Interlocal Agreement Governing Land Use Decisions Within The Non-Municipal Portion of Langley's UGA**

A Public Hearing was held as advertised and scheduled, to consider Ordinance #C-01-99 [PLG-003-99] adopting the Langley Interlocal Agreement Governing Land Use Decisions within the Non-Municipal Portion of Langley's UGA.

After the initial date and time for this hearing had been set, Mr. Dearborn advised that he and Commissioner Shelton reviewed the Agreement and find it did not yet have the exhibits such as to allow the Board to complete its action. On Thursday evening a few minor technical changes were received to the text of the Interlocal Agreement from Langley. Therefore, he recommended the Board continue the hearing to February 22<sup>nd</sup>. This matter inter-relates to the hearing date of the County Wide Planning Policies.

Commissioner McDowell did not quite understand the language on page 4 (2b.2) talking g about within 60 days of the effective date of the agreement, and referencing Exhibit C, and requested that whatever the Board is to sign should be available to review beforehand.

Mr. Dearborn thought that could be available for February 22<sup>nd</sup>, acknowledging it a critical component of the Agreement. There are a number of model documents from other jurisdictions and the intent is to use those as a starting point to come up with an agreement that would work for Langley and the County. He did note, however, the probability that one exhibit would not be ready, which is identification of the UGA transition area, which will take longer than between now and February 22<sup>nd</sup> to prepare because Langley wants to take the matter through their Planning Commission and may involve joint meetings between the Island County Planning Commission and the Langley Planning Commission.

By unanimous motion, the Board **continued Ordinance #C-01-99 [PLG-003-99] until February 22, 1999, at 3:00 p.m.**

**HEARING SCHEDULED: RESOLUTION #C-10-99 [PLG-004-99]**

**AMENDING COUNTY-WIDE PLANNING POLICIES [policy #5]**

Mr. Dearborn introduced the subject, proposed Resolution #C-10-99 [PLG-004-99], and handed out a revision to the attachment as follows:

10. The preference for urban development is as stated in Policy 5.1 above, that urban development is to occur in a municipality or be annexed to a municipality.

In those cases where development is within the unincorporated portion of a municipal UGA and is not served by municipal services, the development shall use

rural governmental services and comply with the County's rural development standards or, for residential development, such service requirements and development standards established through adopted interlocal agreements between the County and the municipalities.

He explained that the City of Langley appealed the adoption of County-Wide Planning Policies to the Growth Board and the County has been in discussion with Langley regarding settlement of their appeal. Langley proposed language as an amendment to CWPP #5, which if the County adopts, Langley would drop their appeal. The language as proposed by the City of Langley is presented, with the exception of one phrase. Langley proposed that through adopted interlocal agreements the cities and the county be able to modify development standards or uses that would occur for those lands that are not immediately contiguous to the city. Commissioner Shelton who was responsible for the negotiation with the City of Langley agreed that was something he could support and would urge that the Board endorse in the Langley Interlocal Agreement. However, Langley felt its authorization had to be in the CWPPs. Although the County does not feel that authorization had to be in the CWPPs, to settle the Growth Board appeal, Mr. Dearborn recommended the language Langley requested in CWPP Policy #5 be included. The words the County added to Langley's request is: "for residential development"

Commissioner Shelton advised that he had had discussions with the Mayor Pro-tem of Langley in the absence of Mayor, who has agreed to that addition.

Mr. Dearborn indicated that if the Board agreed to schedule the hearing with this language, he and the City of Langley would jointly author a letter to the Growth Board asking for an extension in the January 29<sup>th</sup> deadline for filing motions until Friday after February 22<sup>nd</sup>.

The Board, by unanimous motion, scheduled a Public Hearing for **February 22, 1999 at 3:00 p.m.** [Item B] on Resolution #C-10-99 [PLG-004-99] Amending Policy #5 (10), County-Wide Planning Policies as follows [proposed language is underlined]:

10. The preference for urban development is as stated in Policy 5.1 above, that urban development is to occur in a municipality or be annexed to a municipality.

In those cases where development is within the unincorporated portion of a

municipal UGA and is not served by municipal services, the development shall use rural governmental services and comply with the County's rural development standards or, for residential development, such service requirements and development standards established through adopted interlocal agreements between the County and the municipalities.

**hearing held: Ordinance #C-02-99 Ordinance Concerning Technical Amendments to Island County's Zoning Atlas**

A Public Hearing was held as advertised and scheduled, for the purpose of considering Ordinance #C-02-99, technical amendments to Island County's Zoning Atlas. In addition to Keith Dearborn, staff presentation was provided by Jeff Tate and Phil Bakke. Staff recommendation was transmitted via memorandum dated January 11, 1999 from Phillip Bakke, Manager, Comprehensive Planning, as follows:

"On September 29, 1998, the Board of Island County Commissioners adopted the Island County Comprehensive Plan, Development Regulations and Zoning Maps. Since that time, a number of mapping errors have been identified which require corrections to the official zoning atlas of Island County. Most of these corrections are clarifications of information that is missing rather than changes in zoning. The following is a description of the

types of mapping changes that are proposed.

- **Add Joint Planning Area Boundary:** A number of quarter section maps that are within the Joint Planning Area (JPA) of Oak Harbor, Coupeville or Langley do not have the JPA identified.
- **Modify Urban Growth Area Zoning:** The maps that were adopted on September 29, 1998 identify parcels within the UGA with the future land use designation taken from the Oak Harbor and Langley Comprehensive Plan. To be consistent with Chapter 17.03, parcels within the UGA's should have been labeled as Rural with a note that identified what the potential zoning would be if they were annexed into the city.
- **Change Density to be Consistent with the Zoning Ordinance:** There are some inconsistencies between the RAID density that is identified on the quarter section maps and the densities that are listed in the RAID table in Chapter 17.03. These changes would make the maps consistent with Chapter 17.03.
- **Note the Appendix Reference:** In appendix A of Chapter 17.03, there is list of RAID's and parcels that have special restrictions and provisions. Those RAID's and parcels would now have a note which directs the user to appendix A of Chapter 17.03.
- **The one zone change that is proposed** is on Camano Island, just South of Terry's Corner. A mistake was made with regards to a Commercial AG designation that was place on two properties that should have been zoned Rural AG.

Attached are the quarter section maps that are proposed to be changed and a list which describes the change."

With regard to the second bullet, Mr. Dearborn did not believe there to be any non-residential potential zone either Coupeville or Langley have identified within the UGA. The development agreement is a very effective and necessary device for Langley. It allows Langley to specify terms and conditions for annexation of those parcels that are not adjacent to their boundary at some future point in time. It allows them to establish, through the development agreement, what the terms and conditions of annexation will be and what the future zoning will be for that property; in the interim it will develop residentially according to County standards using the options available in the Comp Plan and Zoning Code. That will apply to Oak Harbor for the Residential properties within Oak Harbor's UGA that are unincorporated today. There are a number of properties in Oak Harbor's UGA which have been identified in Oak Harbor's Comp Plan and Zoning Code for non residential use. Mr. Dearborn's understanding is that what will be done is that the County will actually adopt new zoning classifications for those properties within the UGA that Oak Harbor has already established for non residential outside city boundary. The land use map in the Comprehensive Plan already shows those as Comp Plan designations but that needs to be effectuated in the zoning code.

For any other city that wants to identify lands that are non residential outside their boundaries but within the UGA would require a Comp Plan amendment to incorporate those because those are not shown on the map because they were not requested.

Mr. Tate indicated that the packet of information included actual quarter section maps to provide an idea of the overall change along with exact change [each quarter section map has a map number in the

corner]. About half of the changes have to do with adding something to the quarter section map to make it clearer to explain what individual zoning means and whether or not the property is located in a joint planning area or urban growth area. The other changes consist of actual mapping changes, different zones that have changed, for example, a zone not shown properly because of the way the appendix reads.

Mr. Tate referred the Board to a map posted on the wall in order to provide an idea, generally, where the changes are taking place. He then reviewed each proposed zoning atlas amendment by map number [quarter section map number in the packet presented in the order number listed]:

**Map # Amendment Proposed**

23, 25, 28, 30-32 Add Joint Planning Area – Coupeville

84, 86-93, 95 Add Joint Planning Area – Oak Harbor

97. Modify Oak Harbor Urban Growth Area Zoning

98-101, 108-113 Add Joint Planning Area – Oak Harbor

114. Modify Oak Harbor UGA zoning – rural

115. Add Joint Planning Area – Oak Harbor

119. Modify Oak Harbor UGA Zoning - rural

122 & 123, 150 Changes density listed on the quarter section map for Penn Cove RAID to show what was actually adopted in the

Zoning Ordinance

151. Changing density to be consistent with Zoning Ordinance

for Rolling Hills RAID

153-154 & 157 Modify density for Penn Cove RAID

172-175, 177-181 & 183 Adding Joint Planning Area – Coupeville

218 & 219 Modify Oak Harbor UGA Zoning – rural

222 & 223 Add Joint Planning Area for Oak Harbor

226, 228-232 Modify Oak Harbor UGA as rural

234. Add Joint Planning Area to Oak Harbor

235-237 Modify Oak Harbor UGA area zoning as rural

239, 241 Adding Joint Planning Area – Oak Harbor

244, 245, 248 Adding Joint Planning Area – Oak Harbor

249. Modify Oak Harbor UGA zoning as rural

250. Adding Joint Planning Area to Oak Harbor

251 & 254 Modify Oak Harbor UGA to show rural

255. Adding Joint Planning Area – Oak Harbor

258 & 259 Show Oak Harbor UGA zoning as rural

260. Add Joint Planning Area – Oak Harbor

261. Show Oak Harbor UGA zoning as rural

279 & 280 Noting appendix reference within Appendix A for the special use allowed in Cornet Bay

290. Add appendix reference within Appendix A-- Holmes

Harbor – allowance to go up to 3 units per acre dependent on services

305. Mutiny Sands RAID – area within the RAID that is of a different density than the rest of the RAID – identifies where that area is

315. Add appendix reference for Freeland

321. Noting appendix reference for conservation easements within the Bayview-Useless Bay RAID

327 & 328, 331&332 Appendix reference for Freeland

339, 341-344 Appendix reference for conservation easements in Bayview-Useless Bay RAID

532. Change density consistent with Zoning Ordinance for Saratoga Shores

596. Change density consistent with Zoning Ordinance for

Sunrise Hills

639 & 641 Add Joint Planning Area to Oak Harbor

718, 720-722 Add Joint Planning Area to Langley

723-726 and 731 Modifying the Langley UGA – rural with notation

showing what that zoning designation is within the City of

Langley Zoning Ordinance

782. Appendix reference in the Bayview-Useless Bay RAID

for the conservation easement language

787. Change to Whidbey Telephone property – the entire

piece is zoned rural and appendix language talks about the commercial portion once that area is defined and a conservation easement placed on the wetland portion

803, 804, 819 Change density to reflect Zoning Ordinance – Deer Lake or consistency with the Zoning Ordinance

913. Add Joint Planning Area – Langley

931. Change density to reflect Zoning Ordinance. Break line between Lost Lake RAID and Country Club RAID, Camano – density noted for each RAID

985. Livingston Bay Heights RAID, added reference to Appendix A about conservation easement stipulations.

**PUBLIC COMMENTS:**

Charlie Stromberg, representing the Citizens Growth Management Coalition, suggested that the changes being presented today should be in the record of the Growth Management Hearings Board as further clarification of the Comprehensive Plan, including meeting minutes and tapes as well. He found it very difficult to figure out from the material provided today some of the things Mr. Tate was implying . In trying to following Mr. Tate as he went through the changes, he thought it would be difficult for the average citizen to figure out what is said, and in some cases, found the graphics to be unreadable.

Mr. Dearborn stated that the Growth Board was advised at the pre-hearing conference that the record would be supplemented with those technical amendments, and if the technical amendments are adopted today, those will be coded and entered in the record as additions, which will be done by January 29<sup>th</sup>. The code legend is included in the atlas now.

There were no other comments from members of the public.

Commissioner McDowell observed that these are technical changes for the purpose of trying to make clear what Board adopted in 1998, and correcting a mistake on two parcels, and he was supportive of the technical amendments

Jeff Tate advised too that in Appendix C at the back of the Zoning Ordinance were all RAID maps. If the Board adopts the technical changes staff will be required to reflect those changes in the RAID maps.

Chairman Shelton made the observation that changes proposed are to ensure that someone with some knowledge of the mapping system and zoning ordinance in Island County will not miss some attribute of a piece of property.

Mr. Dearborn made the point that the purpose of the zoning atlas was not as a public information document, rather the County’s official record. In most jurisdictions, citizens would not see the zoning atlas; to know more the individual would have to get an appointment to review with staff the atlas to be reviewed in greater detail.

Commissioner Thorn moved that the Board approve Ordinance #C-02-99 [PLG-002-99] in the matter of an Ordinance concerning technical amendments to Island County’s Zoning Atlas. Motion, seconded by Commissioner McDowell, carried unanimously.

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

IN THE MATTER OF AN )



<p>ORDINANCE CONCERNING TECHNICAL AMENDMENTS TO ISLAND COUNTY'S ZONING ATLAS</p>	<p>) ORDINANCE C- 02-99  ) PLG-002-99  )</p>
--	--

**WHEREAS**, on September 28 and 29, 1998, the Board adopted the County's GMA Comprehensive Plan and Development Regulations; and

**WHEREAS**, by Ordinance C-123-98, the Board also adopted Chapter 17.03 ICC as Island County's official Zoning Code to implement its GMA Comprehensive Plan with the Zoning Atlas as the Official Zoning Map of Island County attached thereto as Exhibit C; and

**WHEREAS**, certain technical amendments to the Zoning Atlas have been identified to ensure that the zoning designations are consistent with the Comprehensive Plan.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts certain technical amendments attached hereto as Exhibit A to the Island County Zoning Atlas (Exhibit C to Ordinance C-123-98).

**BE IT FURTHER ORDAINED**, that the Planning Director is now hereby authorized to print and distribute the Island County Zoning Atlas with technical amendments as the official Island County GMA Zoning Atlas.

Reviewed this 11<sup>th</sup> day of January, 1999 and set for public hearing at 2:45 p.m. on the 25<sup>th</sup> day of January, 1999.

**BOARD OF COUNTY  
COMMISSIONERS OF**

**ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

Wm. F. Thorn, Member

[Absent - Wm. L. McDowell, Member]

**ATTEST:** Margaret Rosenkranz

Clerk of the Board

BICC 99-19

APPROVED AND ADOPTED this 25<sup>th</sup> day of January, 1999.

**BOARD OF COUNTY  
COMMISSIONERS OF**

**ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

Wm. F. Thorn, Member

Wm. L. McDowell, Member

**ATTEST:**

Margaret Rosenkranz

Clerk of the Board

*(Note: Exhibits referenced in Ordinance have been placed on file with the Clerk of the Board)*

**CLINTON WATER DISTRICT – CERTIFICATE OF NECESSITY**

The Board, on unanimous motion, authorized the Chairman's signature on the following letter to Mike Helland, Manager, Clinton Water District:

"This letter is written in response to your letter dated December 3, 1998, and in support of the District's application for a certificate of necessity to provide sewer service within their approved district boundaries pursuant to WAC 372-52. The need for such service has been established through a detailed assessment of existing on-site septic systems within the Clinton area and anticipated future growth and demand.

The Board of Island County Commissioners supports the District's application and acceptance of the responsibility to provide sewer service within the District."

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 4:35 p.m., to meet in Regular Session on February 1, 1999 beginning at 9:30 a.m.

**BOARD OF COUNTY  
COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

---

Mike Shelton, Chairman

---

Wm. L. McDowell, Member

---

Wm. F. Thorn, Member

**ATTEST:**

---

Margaret Rosenkranz, Clerk of the Board