

Island County Commissioners - MINUTES OF MEETING

REGULAR SESSION - APRIL 5, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session 5 April 1999, at 9:30 a.m. , in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present.

VOUCHERS AND PAYMENT OF BILLS

Vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher (War.) #47399 – 47687..... \$388,676.17.

Veterans Assistance Fund: On unanimous motion, the Board denied Claim #V99-5 based on majority recommendation from the Veterans Assistance Review Committee [*emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential*].

AWARD OF BID FOR TREASURER'S TITLE REPORTS

In conjunction with Resolution #C-23-99 dated March 8, 1999, specifications and authorizing call for bids for Title Reports, Maxine Sauter, Island County Treasurer, appeared before the Board to recommend award of bid. Based on the two bids received, Mrs. Sauter recommended the Board award bid to Island Title, the low bidder.

By unanimous motion, the Board awarded bid to Island Title as low bidder in support of Resolution #C-23-99.

AWARD OF BID FOR LEGAL NEWSPAPER OF RECORD

On March 29th, the Board opened Request for Proposals for designation of Official Newspaper for Island County in which to run official legal ads, and scheduled this date and time to make the award. The three bids received were:

Whidbey News Times, Oak Harbor

Circulation: in-county 8,325

Rates: \$10.30 per inch first insertion; \$8.65 per inch second and additional insertions

The South Whidbey Record, Langley

Circulation: 4,690

Rates: \$10.00 per column inch first notice; \$8.40 per column inch each subsequent run

Whidbey Reporter, Coupeville

Circulation: Total 1,595, with 1,488 circulated within Island County

Rates: \$6 per column inch first time and \$4.50 per inch each time published thereafter.

Commissioner McDowell pointed out the considerable amount of difference in the cost per column inch, Whidbey Reporter in Coupeville being the lower cost. In discussing the matter with Dave Jamieson, Deputy Prosecuting Attorney, he was provided the appropriate section from RCW 36.72.075:

"The county legislative authority shall let the contract to the best and lowest responsible bidder, giving consideration to the question of circulation in

awarding the contract, with a view to giving publication of notices the wisest

publicity."

The Chairman made note of the fact that the reason that Stanwood-Camano News did not submit a bid was because it is not located in Island County as required; however, the circulation of the Stanwood-Camano News on Camano Island is absolutely critically important for the availability of advertising from Island County. He agreed with the comments of Commissioner McDowell insofar as awarding bid based on circulation rather than cost.

By unanimous motion, the Board accepted *Whidbey News Times* as the official county legal newspaper, with the proviso that where there are specific geographical issues, the County utilize supplemental advertising in either the South Whidbey Record, Stanwood-Camano News or Whidbey Reporter as appropriate.

Hiring Requests & Personnel Actions

On the review and summary provided by Dick Toft, Human Resources Director, the Board by unanimous motion, approved PAA #035/99, replacement action for Licensing/Camano .4 FTE., Position #620.01, effective 4/5/99.

APPOINTMENT TO CENTRAL WHIDBEY HISTORIC

PRESERVATION ADVISORY COMMITTEE

By unanimous motion, the Board appointed Sue Roundy, Coupeville, to serve as a member on the Central Whidbey Historic Preservation Advisory Committee, for a term to 8/13/2003.

Resolution #C-38-99 Promoting Affordable Housing In Island

County – Housing Authority of Island County

Steve Gulliford, Executive Director, Housing Authority of Island County, asked that in addition to a resolution in the matter of promoting affordable housing in Island County, the Board provide a letter to fulfill the requirement for the Authority's tax credit application for proposed Bayview Greens LLC, low income housing tax credit project.

Chairman Shelton believed that removed from the letter should be any mention of that project believing it inappropriate for the Board to endorse a project which at some point in the future may well come before the Board. Apart from that, he believed it was inappropriate for the Board to offer some major support for a specific project, but believed the Board could endorse the concept of promoting affordable housing and the location of affordable housing in rural centers without endorsing any specific project.

Mr. Gulliford explained there were two issues. The first a Resolution supporting what the housing element of the Comprehensive Plan already states, essentially re-enforcing the Comprehensive Plan designation of those areas for that purpose, and provides for the Authority a local targeting opportunity for folks who build subsidized or low income apartment complexes or multi-family, if they meet infrastructure requirements and building permit process requirements. The second issue was the proposed letter from the Board with regard to the proposed Bayview Greens Low Income Housing Tax Credit Project. The low income tax credit process requires a letter from the local governmental indicating that any project proposed meets the guidelines of the Comprehensive Plan and affordable housing needs of the community.

The Chairman maintained that it was inappropriate for the Board to endorse a project out of hand. He was willing to say in a letter that the location of affordable housing should occur in rural centers.

Commissioner Thorn agreed with the Chairman, noting there was insufficient information today to characterize this as affordable housing. He suggested the County probably needed to have a little more formal process for screening what affordable housing is. He supported the idea that the Board should not endorse individual projects. Rural Centers are

discrete sites in the county, a fixed item in the zoning code. This is all new enough with the new Comprehensive Plan and there really should be some sort of a screening process or certification of some kind - something that can come from Public Works/Community Development.

Commissioner McDowell agreed with Commissioners Shelton and Thorn, and expressed his view that the Board not prejudge an application.

Mr. Gulliford did not believe this really was an endorsement, merely a statement that a proposed project is consistent with the County's Comprehensive Plan. In this particular case, the Authority is applying for low income housing tax credits from the Washington State Housing and Finance Commission which carries with it some specific restrictions regarding rent over the life of the project; it does not restrict ownership.

By unanimous motion, the Board adopted Resolution #C-38-99 In the Matter of Promoting Affordable Housing In Island County, and authorize the Planning Director to review the goals of specific affordable housing projects and draft a letter attesting this as the type of project that should be in a rural center and meets financial guidelines in the Island County Comprehensive Plan.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

In the Matter of Promoting }

Affordable Housing in } RESOLUTION #C-38-99

ISland County }

WHEREAS, the Board of Island County Commissioners is the governing body for Island County; and

WHEREAS, the Housing Element of the Island County Comprehensive Plan specifically recognizes that the Rural Centers of Island County provide the best opportunity for the level of density to house those earning below 50% of median income:

"While the available land [in the county] may be able to meet the total need for housing units, nearly all of the potential in [the other land use classifications] is in very low, low or moderate density single family housing...The Rural Centers of Island County provide the [best if not the only] opportunity for the level of density to house those earning below 50% of median income. Densities outside of Rural Centers are unlikely to serve house-holds below 50% of Median Income." *Island County -Comprehensive Plan, Meeting Projected Housing Needs Page 4-20, September 1998.*

BE IT HEREBY RESOLVED, that land designated "Rural Center" under the Island County Zoning Ordinance is hereby declared to be appropriate areas for housing for low income housing serving households at 80% of the Area Median Gross Income or below.

ADOPTED this 5th day of April, 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 99-197

PUBLIC INPUT

Ed Cohn, Cultus Bay Road, South Whidbey, owned the property since 1945, brought to the Board's attention a concern with regard to Animal Control and the County's noise ordinance, concerned with the potential to not have a watch dog, due to complaints of neighbors of dogs barking during curfew. It bothered him that the County ordinance used the word "frequently" as related to dogs barking.

Chairman Shelton committed to assist Mr. Cohn with the matter by setting up a meeting with Mr. Cohn and the folks from Animal Control to get the issue resolved. He confirmed that the ordinance was not designed to deal with a dog who barks on a very occasional basis or when someone comes on the property.

HEARING HELD: FRANCHISE #308 – Glenwood Beach Water Association; existing distribution system in North Bluff Road

A Public Hearing was held at 10:20 a.m. for the purpose of considering Franchise #308 by Glenwood Beach Water Association, for an existing distribution system located in North Bluff Road, located in Sec. 28-31-2E (unrecorded plat of Glenwood Beach).

Low Legat, County Engineer, reported by way of a Memorandum dated March 3, 1999 that all departments requested to comment had responded with no objection to the requested franchise. Further, he noted there were no archaeologically sensitive areas near the system. The Department of Fish and Wildlife approved the proposal as long as any work to be done during February 1 and June 15 is coordinated with the Department. The Franchise has been reviewed and approved as to form by the Deputy Prosecuting Attorney's Office and Risk Management. Mr. Legat recommended the Board grant approval of the Franchise as submitted.

At the time when the Chairman called for public comments, no one spoke either for or against the Franchise.

By unanimous motion, the Board approved Franchise #308 by Glennwood Beach Water Association as recommended by the County Engineer.

HEARING HELD: Franchise #304 – David R. Platter (Accrue, Inc./CAMANO COMMONS - sewer collection system

A Public Hearing was held at 10:25 a.m. for the purpose of considering Franchise #304 by David R. Platter (Accrue, Inc./Camano Commons), for a sewer collection system in North Camano Drive and Sunrise Boulevard, in Sections 19/20/30-32-3E.

In this case, Mr. Legat reported, as provided in his letter to the Board dated March 16, 1999,

that he reviewed the franchise application for a sewer collection system that is to serve the proposed project referred to as "Camano Commons", to be placed in county rights-of-way known as north Camano Drive and Sunrise Boulevard. All departments requested to comment responded with no objection to the franchise request. The Island County Health Department requires a recorded operations and maintenance agreement and a third party management entity. The Planning Department and Community Development have no objections provided work is done in accordance with plans and specifications as approved with the preliminary approval of SPR 360/96 granted May 20 1997. The Franchise has been reviewed and approved as to form by the Deputy Prosecuting Attorney's Office and Risk Management. Mr. Legat recommended the Board grant approval of the Franchise as submitted.

At the time when the Chairman called for public comments, no one spoke either for or against the Franchise.

By unanimous motion, the Board approved Franchise #304 by David R. Platter as recommended by the County Engineer.

AWARD OF BID FOR MADRONA WAY SLIDE REPAIR

As recommended by the County Engineer, based on low bid, the Board by unanimous motion awarded bid for the Madrona Way Slide Repair under CRP 98-13 to Jenkins, Incorporated, Arlington, in the amount of \$119,707.00.

Stormwater Mitigation Agreement – T & S Quality Homes

Larry Kwarsick, Public Works Director, presented proposed Stormwater Mitigation Agreement submitted by T & S Quality Homes, Lot 8, Holmes Harbor Golf & Yacht Club #2, in fulfillment of the requirements of the recently-adopted Island County Zoning Ordinance for this specific rural area of more intense development. The mitigation agreement will go into the County's records and department database. Concurrently with this process the Department has been involved in negotiating with the Holmes Harbor Sewer District in terms of taking a different path to achieve the same goal and working through interlocal agreements, and Mr. Kwarsick will discuss this issue during Wednesday's staff session.

By unanimous motion, the Board approved the Stormwater Mitigation Agreement submitted by T & S Quality Homes, Lot 8, Holmes Harbor Golf & Yacht Club #2.

Local Agency Participating Agreement between Washington State DOT and Island County for Developer Mitigation Payments for Transfer to State

The Board, on unanimous motion, ratified action taken during the March 17, 1999 Staff Session on Local Agency Participating Agreement between Washington State Department of Transportation and Island County for Developer Mitigation Payments for Transfer to State.

Architectural & Engineering Services Contract – R.W. Beck, Inc. -Infrastructure Planning – Clinton & Freeland Sub-areas Plans

Next, Mr. Kwarsick presented for Board action, a proposed Architectural & Engineering Services Contract with R.W. Beck, Inc. to provide phased infrastructure Planning in conjunction with the Clinton and Freeland Sub-areas Plans. Mr. Kwarsick talked with the District Engineer for Freeland [who is also the District Engineer for the Holmes Harbor Sewer District] and the proposed Consultant, and assured the Board there would be collaboration between the two in pursuit of providing infrastructure and support for Freeland and Clinton sub-area plans. Phase 2 and 3 require written amendment to the contract and at that time he felt there would be a clear path ahead in terms of what facilities are being discussed.

The Board, on unanimous motion approved Architectural & Engineering Services Contract with R.W. Beck, Inc. to provide phased infrastructure Planning in conjunction with the Clinton and Freeland Sub-areas Plans.

Resolution #C-39-99 Amending Wages for Precinct Election OFFICERS

In follow-up to the Auditor's proposal to raise payment for election poll workers to the new minimum wage standards as discussed during the March 17th staff session, the Board considered proposed Resolution #C-39-99 (amending Resolution #C-56-97) in the matter of amending wages for precinct election officers.

Suzanne Sinclair, Island County Auditor, explained that the resolution came as a result of the initiative by Washington citizens increasing the minimum wage levels. The resolution is worded such that amending resolutions will not be required in the future since the language in the resolution stipulates that the pay shall be the current year's state

minimum wage level .

By unanimous motion, the Board adopted Resolution #C-39-99 amending Resolution #C-56-97, in the matter of amending wages for precinct election officers, with correction in the last paragraph of the resolution for the year 2000 from \$90.00 per day to \$91.00 per day.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

**IN THE MATTER OF AMENDING WAGES
RESOLUTION C-39-99**

FOR PRECINCT ELECTION OFFICERS) (Amending Res. C-56-97)

_____)

WHEREAS, on election day each polling place in Island County requires the assignment of judges and inspectors to perform the important duties assigned them in connection with the receipt, deposit and count of ballots cast at each election; and

WHEREAS, RCW 29.45.120 provides: 1) the wages of judges of elections shall be set by the Board of County Commissioners at an hourly rate not less than the minimum wages as established by RCW 49.46.020. 2) The salary of the inspector of elections shall be the same as judges plus two additional hours of compensation and 3) additional compensation for pickup and delivery of election materials will be paid as provided by the Board of County Commissioners; and

WHEREAS, the voters of the State of Washington in November 1998 adopted Initiative 688, which raised the state minimum wage to \$5.70 per hour beginning January 1, 1999, \$6.50 per hour to begin in January 1, 2000 and indexed to inflation for future years as calculated by the State Department of Labor and Industries; and

WHEREAS, the number of hours required to perform election day duties by election officers is considered to be fourteen hours, NOW, THEREFORE,

BE IT HEREBY RESOLVED that the wages for judges and inspectors of elections shall be set at Seventy Nine Dollars and Eighty Cents (\$79.80) per day, and Ninety One Dollars and Twenty Cents (\$91.20) per day respectively for 1999 and Ninety one Dollars (\$91.00) per day and One Hundred Four Dollars (\$104.00) per day respectively for 2000. Thereafter the pay shall be the current year's state minimum wage times 14 and 16 respectively. If the federal minimum wage is higher than the state minimum wage it shall be used instead of the state minimum wage.

ADOPTED this 5th day of April, 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**

**HEARING HELD: Timber Land Classification Application #OPS-716-99, George R. & Kathryn M. Cox, 38
acres north of Greenbank**

A Public hearing was held at 10:45 a.m., for the purpose of considering Timber Land Classification Application #OPS-716-99, by George R. and Kathryn M. Cox, 38 acres located north of Greenbank, parcels #R23129-100-2320, R23129-102-1660, R23129-033-1660 and R23129-034-2320.

Phillip Bakke, Comprehensive Plan Manager, provided the Island County Planning Department Staff Report dated March 31, 1999. Assessor quarter section maps were included to provide a visual of what the properties look like. Applicants propose to designate four contiguous parcels totaling about 40 acres, requesting 38 acres be given timber land current use tax classification. Two acres out of ten acres on Parcel R23129-033-1660 are requested to remain standard tax classification inasmuch as the primary dwelling is located on this parcel.

Staff Recommendation:

Based on the foregoing Findings and Conclusions, timber land current use classification Application #OPS 716/99, submitted by George and Kathryn Cox, requesting to place 8 acres of Assessor's Parcel R23129-033-1660 and all of Assessor's Parcels R23129-034-2320, R23129-100-2320 and R23129-102-1660 in the timber land current use classification pursuant to RCW 84.34, located in the Southwest ¼ of Section 29, Township 31N, Range 1E, W.M. is hereby recommended for approval. The following should be required as a condition of approval for the timber land current use classification:

- 1. All future forest practices activity on the subject property shall be consistent with the submitted Forest Management Plan and all Resource Management Recommendations contained in the report shall be followed as a condition of this approval.**
- 2. All future forest practices activity on the subject property shall be consistent Washington Forest Practices Regulations, RCW 76.09 and WAC 222, and all other applicable County, State and Federal regulations.**

Mr. Bakke confirmed that Applicants did submit a comprehensive Forest Land Management plan, including upgrading the forest stand. The Forest Practice Plan did not include any listing of any kind of identified species on the property, but County records indicate that a portion of the property may have some tertiary involvement from nests associated with the beach area, but not actually in a regulated Eagle habitat area.

No one in the audience spoke either for or against approval of the application as submitted, or on the recommendation by the Planning Department.

By unanimous motion, the Board approved Timber Land Classification Application #OPS-716-99, by George R. and Kathryn M. Cox, 38 acres located north of Greenbank, parcels #R23129-100-2320, R23129-102-1660, R23129-033-1660 and R23129-034-2320 with conditions recommended by the Island county Planning Department.

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 at 11:00 a.m. for the purpose of considering Ordinance #C-01-99, Adopting the Langley Interlocal Agreement Governing Land Use Decisions within the Non-Municipal Portion of Langley's UGA, continued from February 22, 1999.

Jack Lynch, City of Langley Planning Director, introduced others from the City in attendance today: Lloyd Furman, Mayor; City Planning Board Members, Jim Hansen, Sybil Yates, and Chuck Scurlock.

Keith Dearborn, the County's GMA legal consultant, remarked that the Board on Friday had received a packet from the City including the final version of the Interlocal Agreement as prepared, and all of the exhibits. For comparison, he provided the Board with a copy of the Interlocal Agreement introduced on January 11, 1999 and the draft before the Board today, along with comments from Larry Kwarsick on Exhibit F. The Board was provided for today's review a single copy of the Interlocal Agreement with cross-outs and underlining to show changes from the draft set for hearing in January. This brings the County and City close to the end of the process of establishing an interlocal agreement to define the roles and relationships between the City and the County for the UGA, creation of an expansion area of that UGA and for the joint planning area. At the last hearing, Mr. Dearborn recalled that the Board had been clear in wanting all exhibits included with the agreement. He was prepared today to go through the packet of materials and identify in particular some policy issues and changes that had come up. After that his suggestion was to have Planning and Permitting staff review the document before final action is taken so they understand fully what it will take to implement it. After today's hearing, he suggested staff meet and review in detail the issues Mr. Kwarsick raised, discuss the details how it is to be administered and implemented, and come back to the Board in a Wednesday work session and report on what they feel the problems are, if any, and the resolution they recommend, and that final action be scheduled in a few weeks. Staff review needs to focus on procedural requirements that the City is expecting the County to implement and the changes in Code the City is asking the County to adopt that would be uniquely applied to the Langley UGA. Most of Mr. Kwarsick's comments in his review of Exhibit F are questions that need to be worked out. Mr. Kwarsick also reviewed the Interlocal Agreement and provided comments which Mr. Lynch received on Friday but Mr. Dearborn still needs to obtain and review.

Mr. Lynch indicated that the last page of the Interlocal Agreement contained a list of all the exhibits. The CWPP's and adopted Joint Planing Area and UGA are documents everyone previously had and therefore were not provided again. Exhibit C is the model annexation development agreement.

Mr. Dearborn recalled talking about the site plan the property owner will be required to prepare showing the ultimate development of a property so that the City and the County can judge the layout of the uses that might be proposed prior to annexation and actually constructed prior to annexation to ensure it does not deter the ability to fully utilize the property under City zoning in the future. The concern Mr. Dearborn described and the Board had concurred in was that site plan had to have some weight and long term binding effect, and advised that Mr. Lynch had incorporated the City's proposal to do that.

The Chairman observed that Exhibit F from the City still showed no PRDs allowed and he questioned why anyone would ever need a site plan for one house per five acres, i.e. site plans become useless unless the PRD is reinstated.

Mr. Lynch agreed with the need to resolve that with the Board and move on. He acknowledged the City and County came at it from two different perspectives. The City's interest, because this is a UGA and including UGA expansion area, is that is where urban level development needs to occur and the City will do what it can to cause that to happen. Historically, there has been water service throughout the City, but even though the City has a secondary treatment plant the lines only serve half to two-thirds of the community and one of the problems the City sees is once people have septic it is hard to get their interest and willingness to pay for sewer lines later. The City would like to see the least amount of additional septic and keep the pressure on in order to have the density in the City.

Mr. Dearborn addressed the PRD issue by noting that in the Langley UGA there are only four parcels that would be eligible for a PRD to begin with. Every other parcel in the Langley UGA is under 10 acres in size, most under two acres. Those four parcels add up to about 1/2 of the Langley UGA acreage wise, exclusive of the UGA Expansion area.

Mr. Lynch stated that Exhibit D was an excerpt from the City's Zoning Code that covers the zone districts that would apply in the UGA because of the land use designations.

Mr. Dearborn explained further with regard to what applies to someone coming in for a single family home: if adjacent to the City boundary the County is committing to not approve that project until the City annexes it, and these regulations would apply to those properties when annexed. If located beyond the adjacent property, the site plan showing the ultimate development of the property would use Exhibit D to prepare the layout and density, and then site and locate the use according to the County's zoning regulations so that it does not foreclose the ability to use that property fully with City zoning. Annexation is dependent upon whatever is agreed to in the model annexation development agreement.

Mr. Lynch explained that just because someone is next to the boundary does not automatically mean annexation, and that is not stated as such in the model annexation development agreement,

but if the property owner wanted to annex the City would be obligated under the agreement to annex. Once in the City, the City like it has with anyone else if within a certain distance of a sewer main then yes, they would have to connect within a certain period of time. Exhibit E are the City's development standards and spells out requirements about roads, stormwater, utilities, access and other requirements used in the same way that Exhibit D is. Exhibit F is the proposed modifications to County standards that would apply in the circumstance when properties are not contiguous but want to develop. Exhibit G consists of the scenic corridor maps and standards in Langley, and the map attached is the City's Comprehensive Plan map which has scenic corridors identified.

Public Comments: The Chairman called for comments from members of the public. No comments were made from anyone in the audience at this time.

Further Discussion:

Chairman Shelton mentioned for the record receipt of a letter dated March 31, 1999 from Mayor Furman and referred to the third paragraph:

"We appreciate that final action may not be able to be taken Monday but we would like for the Commissioners to take preliminary action. This will give both of us a clearer sense of the status of the agreement and any final details to be resolved for the Board to take final action at a scheduled date."

He was unaware of what action the Board could take preliminarily, short of approval. He hoped that in the very near future the all interlocal agreements with the town and cities would be completed and expressed commitment on behalf of the Board to proceed as quickly as possible.

Another concern the Board had expressed was to make sure that the proposal the County was reviewing was the one the City Council was reviewing.

It was Mr. Lynch's belief that he and the Mayor had been keeping the City Council apprised of all the matters and if agreement is reached, it would be because everyone was in agreement and did not foresee that as a

problem.

Board Action: By unanimous motion, the Board scheduled a special Staff Session for Thursday, April 8, 1999 beginning at 9:00 a.m. to review the packet from Langley with Staff, and continued the Public Hearing until April 19, 1999 at 11:15 a.m.

Hearing Held: Ordinance #C-28-99 Amending Island County Code to Establish Authorized Dog Off-Leash Areas in County Parks

A Public Hearing was held as scheduled and advertised for the purpose of considering proposed Ordinance #C-28-99 Amending Island County Code to Establish Authorized Dog Off-Leash Areas in County Parks.

Lee McFarland, Assistant Director, GSA/Parks, recalled that some four or five months ago he was approached by Patricia Buchanan, FETCH [Free Exercise Time for Canines and their Humans] about the idea of establishing off-leash dog parks in Island County. In discussing the matter further with Chairman Shelton and FETCH representatives, and after looking over the County park facilities, he came up with a proposed list of areas that could be used as authorized off-leash areas following rules noted:

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Authorized Off-Leash Areas. A dog or dogs, not in heat, accompanied by the dog owner or custodian who is in voice control of the dog (i.e. the dog will immediately come when called by the owner/custodian), may roam and be off-leash in the portion of the following designated Island County Park areas posted by the Island County Parks and Recreation Department Director for such use:

1. Double Bluff Beach Access – designated beach area west of developed park area [South Whidbey]
2. Marguerite Brons Memorial Park - designated area [South Whidbey]
3. Island County Patmore Site [Central Whidbey]
4. Ala Spit Beach Access – spit area only [North Whidbey]
5. English Boom Waterfront Trail Property – beach area only [Camano Island]

Information from the National Parks and Recreation Association and Mrs. Buchanan shows no

lawsuits having been filed related to dogs in an off-leash area. A substantial amount of correspondence has been received by letter, telephone and e-mail the majority in support of the proposal. On the signature page of the ordinance, Mr. McFarland recommended adding an effective date of June 7, 1999.

Mitchell Streicher, Freeland, supported the ordinance. He pointed out that at least 330 days out of the year he or his wife with their dog used Double Bluff, and never had a problem, and lately noticed that people with dogs put them on a leash when approaching someone. While he was aware that dog on leash if approach someone. There are some people who will not clean up after their dogs, which he did not feel was a reason to prevent others from walking dogs on the beach. Many carry plastic bags as does his wife who in addition to picking up after own dog will pick up after people. He characterized Double Bluff as a happy community and would like to see made legal for dogs to run on the beach off-leash. He inquired about where the proposed off leash area would start. Mr. McFarland indicated his plan was that it would begin just west of the developed area.

Linda Wilson, Bush Point, requested that Double Bluff be taken off the list as an off-leash dog because this is a tremendous beach for a family; the tide goes way out and forms tide pools perfect for children. If this becomes an off-leash area she was concerned about who would be responsible for policing to ensure that dogs do not harass children or other dogs and that owners would pick up after them. Now, even though the park is designated west of the road, people still come down to the private ownership and beaches for picnics and run their dogs off leash.

Eva Mae Gabelein, Clinton, said that she and her husband previously owned the 50 acres sold to the Brons. It is a beautiful piece of property and they had thought about other things the park could allow, such as 13 acres [where dog off-leash area is proposed] would have been an ideal place for a dry camp for travelers on the Island when the parks are full. She and her husband love dogs and have dogs, and allow pheasant and duck hunting on their property, which they enjoy. Their concerns with an off-leash parks relate to responsibility – is the County going to be responsible and have to hire someone to make sure dogs get along, do not bite and clean up is done. If someone does get hurt, will the County insurance cover that.

Judy Skoezen, Clinton, signed the petition in support of off-leash dog areas because she walks two little dogs. She noted that little dogs are magnets to big dogs who think they want to play. She and her husband are concerned that the off leash area for Double Bluff should be removed or fenced in. Though Double Bluff was termed as a "happy community", she and her husband gave up walking Double Bluff two years' ago because they have not been able to walk there comfortably. Walking on and through the dogs off leash, she would feel threatened walking with her two little dogs on a leash, and children might feel the same way, if the front part of the beach if not fenced off in some way

Margaret Keen, Langley, suggested that the FETCH organization was the answer to quite a few objections and concerns because FETCH would be responsible and have volunteers at each off-leash area to ensure there were no problems. People who cannot control dogs would not be permitted to go in those areas. Many people cannot walk their dogs enough but still need dogs for protection and companionship, and in order to keep a dog healthy, it must have exercise and she saw off leash areas as providing the means to do that.

R. T. Steltz, Clinton, was a dog owner very much in favor of off leash areas. He did agree that Double Bluff should be eliminated entirely as an area because it seemed to "press too many hot buttons". He too thought dog owners associated with trying to get this promoted were extremely responsible, and that dogs need an area to run and mingle. He picks up after his dog and thought people would find that most dog owners are that way. If an area is established it could be within a park and fenced with a gate, and thought the size should be 2 acres at the very least, preferably more. He said that dogs need other dogs, need the companionship and play.

Julie Wineman, Clinton, who was originally from Oregon, had an opportunity to work next to about a 1-acre off-leash area and her observation was that it was kept clean, dogs and owners followed the rules. She thought that having these areas would tend to make those who love dogs not break the law. As far as liability goes, she pointed out that things will happen even if dogs are on a leash. Most dog owners love and truly care about their dogs, and as a taxpayer, she wanted to be able to take her dog to the beach and see others do the same, and let them tromp and get their feet wet in the surf.

Jane Pulsifer, Freeland, has private land on which she walks her dogs and does not go to the beach anymore. She misses going to the beach but cannot handle the beach without cane, and cannot handle beach with a cane and the dog on a leash all at the same time. She didn't care whether it was Double Bluff, but did want a beach where she could walk her dog. Ms. Pulsifer's opinion was that Double Bluff was the flattest, easiest to walk beach on South Whidbey and as a disabled person, she felt she had the right to use the beach too; the fun of going to the beach without her dog was just not there.

Ray Gabelein, Sr., Clinton, residing just opposite of the Brons property, he along with his wife having previously owned the Brons property, stated that it was a beautiful view piece of property which he did not believe the dogs would enjoy. His thought was that it should be a park or playground, or as his wife mentioned, camp sites, but too good a piece of property to "go to the dogs".

Dawn Walters, Greenbank, made the observation that in today's world there is a new breed of dog owners. She and her husband have two dogs, one a large golden retriever who loves the water. While her husband exercises the dogs she can sit on a log and enjoy the beach and view. The Seattle Dog Companion lists all the different parks around the Northwest, and they appreciate the book and use the different parks. Dogs are their children and they do a lot with

them i.e. spend a day of their weekend taking the dogs someplace interesting, and they have missed Double Bluff greatly.

Karen Newman, Clinton, came from another place where there were dog parks and her experience in terms of dogs behavior was that dogs socialize much better off leash. She understand concerns of people about keeping the area clean and believed those who are serious about having off-leash areas for dogs would spend a little extra time cleaning up after those who do not. Hearing some opposition to Double Bluff as one of the areas, she suggested the Board give a trial period to make sure FETCH and others do make sure the areas are policed and that there are no problems with aggression. Some of the other concerns about Double Bluff could be addressed she thought by better signing in the area and fencing.

Mary Margaret Stern, Freeland, stated that parks should be for everyone, and noted that right now, there is no place for dog owners; that constituency is part of the community, and she urged the Board's support for off-leash park areas.

John Farrens, Clinton, inquired about fencing in dog areas, and asked about rules requiring dogs stay in that fenced-in area. He noted that his big Irish Setter loves to run and without a fence he thought it would be an impossible situation.

Mr. McFarland explained that fencing was not planned for all of the areas, nor fencing completely. No fencing is planned at Double Bluff ; the area from the park west includes over 2 miles of public beach and the tide goes out so far there would be no way of fencing. There are plans for some fencing at the Brons property. The Ala Spit property is a spit surrounded by water on three sides, very narrow opening and envisioned fencing that area at the approach. Patmore is a very large site almost completely surrounded by woods and only one open area; unless the Public Works Director provided to the contrary, he planned to leave the whole area open.

The area on Camano is a beach area with a fairly narrow area entering the property, isolated on a beach. Regulations require dogs be under voice control. As far as tidelands, he confirmed that all areas proposed were public-owned tidelands, not private.

Patricia Buchanan, President and Co-Founder of FETCH, Langley, pointed out that when she initiated the project about eight months' ago she was able to collect 800 signatures in support in no time, places for dogs to be off leash in a legal and safe manner. A lot of concerns she believed would be easily answered by visiting an off leash park. This type park is so well used and so well loved, the success due to user groups. Off leash parks allow dogs to get out and socialize, and realized it would not be for everyone. As far as the purpose of the park, she said it was really for people, creating a unique environment where responsible pet owners and their dogs interact, promoting important socialization skills for the dogs and for people to enjoy the view. FETCH has been working to get volunteers, and plan to have park stewards and people to help promote licensing and responsible dog ownership issues. As far as liability, these parks have proven to be so safe liability is virtually a non-issue.

Mark Gaggia, Freeland, offered the suggestion that with the public owning a 550 acre berry farm in Greenbank, about 95% unused, it would be simple to fence off the northwest corner of that property and use as off leash dog area.

Ron Carrigan, Clinton, made the point that people were already running dogs off-leash at Double Bluff. He thought that if the County provided off-leash areas it would free up animal control from dealing with off-leash complaints and concentrate on other issues of concern.

John Blondin, Oak Harbor, was interested to know the purpose of the dog parks and what monitoring would be provided; and whether or not dogs registered for use of the park and the matter of release of liability for use of the parks. He did not see the purpose in having the dog park areas on the beaches. For example, Ala Spit is used for clamming, crabbing, fishing and picnics, etc. and he really wondered about how that would work with dogs running loose. His suggestion was that the off-leash dog areas be other than beaches, such as Patmore, Rhododendron Park, etc. and three places on Whidbey Island – South, Central and North Whidbey but not on beaches. He thought that beaches were a bad place for dogs to be running loose. Mr. Blondin thought that the beach was no place for a dog running loose, too many people and family-oriented activities with small children. He strongly suggested keeping off leash areas away from the beaches.

Mr. McFarland stated that the parks would give people a place to exercise animals off leash. He hoped that organizations such as FETCH and the users would be stewards of the parks; the parks are now visited by park personnel between one and three times a week. There is no staff available to be able to register dogs for use of the park and no special liability other than the county maintains at this time.

Linda Fauth, Clinton, described her experience with off-leash dog parks in Hawaii – 7 years and never had a problem, in fact, was the cleanest section of Waikiki Beach and provided live entertainment for people watching the dogs swimming and running. She was in favor of the off-leash dog park areas but did suggest that attack dogs not be allowed to run.

Howard Smith, Freeland, residing just down the Bluff, did note that quite a few people love to walk on the beach, he and his wife included, but his wife is afraid to any longer because of the dogs that are running loose on the beach. There are other people who would like to have picnics and enjoy the beach but cannot do so because the dogs running around bother them.

Don Stewart, resident of Greenbank and member of the Coupeville Port Commission, advised that the Port Commission is responsible for part of the Greenbank Berry Farm and leased same out to the Greenbank Farm Management Group. As pointed out there is a large acreage and thought it consider using that property. A part of the farm is being cultivated for loganberries and other purposes and there could be some lease arrangement with the Port for off leash area.

Mr. McFarland was aware that Patricia Buchanan had been talking to the Manager of the farm to see if an area could be utilized as off-leash park for dogs.

The Chairman apprised everyone that what generally is considered to be the Greenbank Berry Farm, the cleared area where loganberries were grown, is all under the control the Coupeville Port District, not Island County. The property Island County owns is all in the wooded area. He thought it would be a fine idea to work with the Port District and get an off-leash dog area at the farm.

Mr. McFarland acknowledged a letter from the City of Eugene, Oregon, Parks and Recreation Department, who went through the same process, with the exception of the beach portion, who started with one park area in a 26 acre park and set a trial period. During the trial period, the City opened up four other areas. As time went on it all worked out very satisfactorily. The City had sworn testimonials that people had in fact moved into neighborhoods and bought property because of the existence of the dog park. It was a successful program at the end of trial period and the City adopted an ordinance to continue it. He confirmed too that all the research he did found no evidence of a lawsuit ever being filed because of off leash dog areas. He suggested that the County perhaps set some kind of a trial period.

Commissioner Thorn was very supportive of having separated areas for dogs to run off leash. He did think it important to consider off leash areas for a trial period, noting that it is easy to be driven by fears. The County needs to actualize what the experience is and not guess at what might happen. He proposed a 12 month trial period, with the ordinance revisited at the end of that time to see what problems there had been, if any, and what the benefits were.

Commissioner McDowell agreed that with more increased urbanization there is a new breed of dog owner, much more responsible, and observing his daughters and their dogs, there is a lot of concern about socializing their dogs. A lot of the concerns about off-leash parks may be overstated, with one exception. His concerns were about two waterfront areas: Ala Spit and Double Bluff, and suggested deleting those areas as off leash parks and try the other three areas and see how it works for a year.

Chairman Shelton heard no negative testimony at all about the fact that there should be off leash dog areas, only comments with regard to concern about location. Part of the issue on Double Bluff he thought was in reference to public ownership, and noted that was not necessarily county ownership.

Mr. McFarland advised that the County owned approximately 900 front feet; the tidelands from there west for another 1-¾ to 2 miles belongs to State DNR. That does not have to be designated as an off leash park but the County does have the right to authorize that as an off-leash area. His plan initially was that the off leash area start at the end of the seawall need to go further than that

Chairman Shelton in terms of Ala Spit would not be in favor of any fence at the beginning of the spit. As far as Double Bluff, the off leash area should start further than Mr. McFarland suggested.

Commissioner Thorn observed this as just designating a part of a public area where dogs can be off leash legally.

Commissioner McDowell reiterated his preference that the two beach areas, Ala Spit and Double Bluff, not be included; however, Double Bluff is a huge area compared to Ala Spit, and definitely thought Ala Spit should not be included.

Commissioner Thorn moved adoption of Ordinance #C-28-99 in the matter of amending Island County Code Sections 6.08.090 and 9.40.280 to establish authorized dog off-leash areas in County Parks, with the proviso the ordinance become effective June 7, 1999, and re-evaluated in twelve months to asses the problems, if any, and the benefits that have arisen; and remove Ala Spit from the list of authorized dog off leash areas in County parks. Motion, seconded by Commissioner McDowell, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING)

ISLAND COUNTY CODE SECTIONS)

6.08.090 AND 9.40.280 TO ESTABLISH) ORDINANCE NO. C-28-99

AUTHORIZED DOG OFF-LEASH)

AREAS IN COUNTY PARKS)

WHEREAS, Island County Code section 6.08.090 generally requires an owner of a dog to keep his dogs on a leash when the dog is off the owner's property; and

WHEREAS, Island County Code section 9.40.280 only allows dogs in county park areas to be in specifically designated areas and always to be on a leash in those areas; and

WHEREAS, there is a need for dog owners living in developed areas to have places to exercise their dogs while off of a leash; and

WHEREAS, it is in the best interest of the public of Island County that dog off-leash areas be established in designated Island County park areas; NOW, THEREFORE,

IT IS HEREBY ORDAINED that Island County Code sections 6.08.090 and 9.40.280 are amended as shown on Exhibit A attached hereto. Lined through material is deleted and underlined material is added.

Reviewed this 15th day of March, 1999, and set for public hearing on the 5th day of April, 1999 at 11:30 a.m. in the Commissioners' Hearing Room.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

ATTEST: Wm. L. McDowell, Member

Margaret Rosenkranz William F. Thorn, Member

Clerk of the Board

BICC 99-161

Ordinance C-28-99 is adopted this 5th day of April, 1999 following public hearing, effective June 7, 1999, and the Ordinance to be re-evaluated in twelve (12) months to assess the problems, if any, and the benefits that have arisen; and removing Ala Spit from the list of authorized off leash areas.

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

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney and

Island County Code Reviser

EXHIBIT "A"

6.08.090 Control Off Premises – Authorized Off-Leash Areas

A. Control Off Premises. Except as provided in B., below. It is unlawful for the owner, keeper, or person having custody or control of any dog:

~~A~~1. To permit a dog to run at large on public school grounds or public playgrounds;

~~B~~2. To permit a female dog to run at large while in heat; or,

~~C~~3. To permit a dog to roam, run, stray, or be away from the premises of the owner or custodian and to be in any public place or on any public property or the private property of another in the county, unless such dog, while away from the premises of the owner or custodian, is controlled by a leash or chain not more than eight (8) feet in length, such control to be exercised by the owner or custodian or other competent and authorized persons.

Any dog found roaming, running, straying, or away from the premises of the owner or custodian and not under control as herein provided may be impounded, subject to redemption in the manner provided pursuant to this chapter.

This subsection does not apply when the dog or dogs at the time are being used or being trained or practicing for search and rescue, dog exhibition or showing, tracking or hunting, and are in compliance with any statute, rule, or regulation governing use of dogs in hunting. This section also does not apply when the dog or dogs at the time are under the control of official law enforcement personnel and are being used for law enforcement purposes.

B. Authorized Off-Leash Areas. A dog or dogs, not in heat, accompanied by the dog owner or custodian who is in voice control of the dog (i.e. the dog will immediately come when called by the owner/custodian), may roam and be off-leash in the portion of the following designated Island County Park areas posted by the Island County Parks and Recreation Department Director for such use:

1. Double Bluff Beach Access – designated beach area west of developed park area, Assessor’s Parcel Nos. R22923-078-3270 and R22923-056-2990 located in Section 23, Township 29 North, Range 2 East of the Willamette Meridian;
2. Marguerite Brons Memorial Park - designated area, Assessor’s Parcel No. R32917-035-0330 located in Section 17, Township 29 North, Range 3 East of the Willamette Meridian;
3. Island County Patmore Site, Assessor’s Parcel No. R13111-463-4620 located in Section 11, Township 31 North, Range 1 East of the Willamette Meridian;
4. Ala Spit Beach Access – spit area only, Assessor’s Parcel No. 23432-458-1760 located in Section 32, Township 34 North, Range 2 East of the Willamette Meridian; and
5. English Boom Waterfront Trail Property – beach area only, Assessor’s Parcel No. R33216-235-0300 located in Section 16, Township 32 North, Range 3 East of the Willamette Meridian.

The owner or custodian of the dog shall comply with all of the applicable Island County Parks Property Rules and Regulations.

9.40.280 Pets in County Park Facilities

A. Dogs, pets, or other domestic animals are not permitted on any designated swimming beach, picnic, or play areas in any Island County park or in any building unless specifically permitted by posting, provided that this section shall not apply to seeing eye dogs.

B. On-Leash and Off-Leash Areas.

~~B. 1. Authorized On-Leash Areas.~~ In areas specifically permitted by posting, dogs and other pets and domestic animals must be kept on a leash no greater than eight (8) feet in length, and under control at all times.

2. Authorized Off-Leash Areas. A dog or dogs, not in heat, accompanied by the dog owner or custodian who is in voice control of the dog (i.e. the dog will immediately come when called by the owner/custodian), may roam and be off-leash in the portion of the following designated Island County Park areas posted by the Island County Parks and Recreation Department Director for such use:

- a) Double Bluff Beach Access – designated beach area west of developed park area, Assessor’s Parcel Nos. R22923-078-3270 and R22923-056-2990 located in Section 23, Township 29 North, Range 2 East of the Willamette Meridian;
- a. Marguerite Brons Memorial Park - designated area, Assessor’s Parcel No. R32917-035-0330 located in Section 17, Township 29 North, Range 3 East of the Willamette Meridian;
- b. Island County Patmore Site, Assessor’s Parcel No. R13111-463-4620 located in Section 11, Township 31 North, Range 1 East of the Willamette Meridian; and
- c. Ala Spit Beach Access – spit area only, Assessor’s Parcel No. 23432-458-1760 located in Section 32;

- Township 34 North, Range 2 East of the Willamette Meridian; and
d. English Boom Waterfront Trail Property – beach area only, Assessor’s Parcel No. R33216-235-0300 located in Section 16, Township 32 North, Range 3 East of the Willamette Meridian.

C. Any person whose dog, pet, or other domestic animal is in any Island County park area shall be responsible for the conduct of the animal and for immediately removing feces deposited by such animal and removed from the park area. D. Disturbances by animal prohibited. No person shall allow his or her dog or other pet or domestic animal to bite or in any way molest or annoy park visitors. No person shall permit his or her dog or other pet or domestic animal to bark continuously or otherwise disturb the peace and tranquillity of the park users and said dog, other pet, or domestic animal shall be immediately removed from the park by the owner or custodian of the animal should this occur.

**CONTRACTS APPROVED: 2% Hotel/Motel Tax Revenues for
the 1999 Tourism Program Year**

In accordance with the Board’s approved projects and activities February 22, 1999, funded by 2% tax revenues, the Board now approved, on unanimous motion, follow-on contracts with various organizations [*those contracts that have been signed by the various organizations at this point; remainder to follow next week*]:

CAMANO ISLAND CHAMBER OF COMMERCE \$ 5,000

COUPEVILLE ARTS CENTER \$ 2,000

GREENBANK FARM MANAGEMENT GROUP \$ 2,000

ISLAND DISTRICT EDC \$ 7,500

LANGLEY CHAMBER OF COMMERCE \$ 5,000

LANGLEY CHAMBER OF COMMERCE \$ 1,000

MEERKERK RHODODENDRON GARDENS \$ 1,500

OAK HARBOR CHAMBER OF COMMERCE \$ 10,000

SOUTH WHIDBEY HISTORICAL SOCIETY \$ 330

Amendment D, Contract EM007062, Wa. State Military

Department, E-911 Implementation

By unanimous motion, the Board approved Amendment D to Contract EM007062 with the State of Washington Military Department for E-911 implementation, the changes include that the time has been extended to June 30, 1999 to complete non-recurring network and MSAG work designated in Island County’s Implementation contract.

Certification of Road Fund Expenditures for

Traffic Law Enforcement

The Board, on unanimous motion, approved and signed State of Washington County Road Administration Board Rural Arterial Program Certification of Road Fund Expenditures for Traffic Law Enforcement, showing the amount spent for traffic law enforcement during calendar year 1998 to be \$502,395.00.

Revised Contract with Restoration Acres Farm, formerly Restoration Acres Foundation and Island County

Betty Kemp, Director, GSA, presented a revised contract with Restoration Acres Farm, described as a name change only, from Restoration Acres Foundation to Restoration Acres Farm. By unanimous motion, the Board approved the Revised contract with Restoration Acres Farm.

EXECUTIVE SESSION

The Chairman announced that the Board would meet in Executive Session at 1:45 p.m. in the Office of the County Commissioners (1) as allowed under Rc.w. 42.30.110 (1) (i) to discuss with legal council potential litigation expected to last approximately ½ hour; and (2) beginning directly thereafter as provided in r.c.w. 42.30.110 (1) (i) to discuss with legal counsel pending Litigation and last about 1 or 1-1/2 hours. No announcement was anticipated on conclusion of either Executive Session today.

The meeting adjourned at 4:00 p.m. on conclusion of Executive Session. The next regular meeting is scheduled for April 12, 1999, beginning at 9:30 a.m.

**BOARD OF COUNTY
COMMISSIONERS**

**ISLAND COUNTY,
WASHINGTON**

Mike Shelton, Chairman

(Absent When Signed)

Wm. L. McDowell, Member

Wm. F. Thorn, Member

ATTEST: By: Ellen Meyer, Deputy

Margaret Rosenkranz, Clerk of the Board