

**ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING  
REGULAR SESSION - FEBRUARY 7, 2000**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on February 7, 2000, at 9:30 a.m., Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with members William F. Thorn, member and Mike Shelton, present; Wm. L. McDowell, Chairman, absent. By unanimous motion, the Board approved and signed the following minutes: December 27, 1999 and January 3, 2000.

**VOUCHERS AND PAYMENT OF BILLS**

Vouchers/warrants were approved for payment by unanimous motion of the Board, except for Voucher #2050038 which is to be resubmitted another meeting with the correct category; the January payroll was also approved, as follows: **Voucher (War.) #67934–68332...\$272,855.80.**

**PERSONNEL ACTION AUTHORIZATIONS**

After presentation and summary from Dick Toft, Human Resource Director, the Board by unanimous motion, approved the following personnel action authorizations:

<b>PAA # Description/Position No.</b>	<b>Action</b>	<b>Eff. Date</b>
008/00 Tax Foreclosure Deputy #2103	Replacement	2/17/00
009/00 S.W. Tech 3/Wst.Wtr. Tr. op. #2253.02	Replacement	2/7/00
010/00 Engr. Tech I, I #2231.01	Replacement	2/7/00
011/00 Chief Deputy Assessor #101	Replacement	4/1/00
012/00 Dept. Supt. Adm. #110	Replacement	4/1/00
013/00 Leg. Secy/Sup. Ct. #1809.01	Replacement	3/1/00
015/00 Leg. Secy/Dist. Ct. #1813.02	Pers. Action	2/7/00
016/00 Leg. Secy/Dist. Ct. #1813.01	Pers. Action	2/7/00

**ASSUMPTION OF LIQUOR LICENSE #363251-4I, EL CORRAL  
MEXICAN RESTAURANT, LANGLEY**

On receipt of favorable recommendation by the Island County Sheriff and Health Department, the Board by unanimous motion, forwarded a recommendation of approval to the Washington State Liquor Control Board for approval of Assumption of Liquor License #363251-4I by Alva Ramona and Manuel Santiago Marcial d/b/a El Corral Mexican Restaurant, Langley.

**AMENDMENT TO LIQUOR LICENSE NO. 081096-4A, CAMANO ISLAND INN**

By unanimous motion, again on the basis of having received from the Island County Sheriff and the Health Department a favorable recommendation, the Board voted to recommend approval of Amendment to Liquor License No. 081096-4A Application in Lieu of Current Privilege, by Jonathan D. and Kari S. Soth d/b/a Camano Island Inn, Camano Island.

**HEARING SCHEDULED: ORDINANCE #C-11 -00 IN THE MATTER OF CHANGING MEETING DATE  
FOR ISLAND COUNTY BOARD OF HEALTH**

By unanimous motion, the Board scheduled a public hearing on February 28, 2000 at 1:45 p.m. to consider proposed Ordinance #C-11-00, in the matter of Changing the Meeting Date for the Island County Board of Health from the fourth Monday to the third Monday of each month at 5:00 p.m., beginning March, 2000.

**AMENDMENT #2 TO CONTRACT BETWEEN ISLAND COUNTY AND ARBITRAGE COMPLIANCE  
SPECIALISTS, INC. #RM TREAS 98-0005**

Vendor now having signed proposed Amendment #2 to Contract between Island County and Arbitrage Compliance Specialists, Inc. #RM TREAS 98-0005 for the period of 1/1/00 to 12/31/02 for the total amount of \$3,585.00, the Board by unanimous motion approved said Amendment as presented.

**RESOLUTION #C-12-00 (R-06-00) – EMERGENCY CLOSURE - PORTION OF MAPLE GROVE ROAD, VICINITY OF THE PLAT OF MAPLE GROVE BEACH**

Larry Kwarsick, Public Works Director, appeared before the Board, along with Lew Legat, County Engineer, to recommend approval of a resolution to close a portion of Maple Grove Road in the vicinity of the Plat of Maple Grove Beach, 1st Addition, Division 3, Sec 23, Twp 32N, R 2E, Camano Island. Mr. Kwarsick pointed out a correction that needed to be made to the resolution, in the title and the body of the resolution in the Be It Hereby Resolved paragraph, the terminating mile post should read 0.45 to mile post 0.50 instead of 0.45 to mile post 0.65. Staff are working to bring in special expertise to provide guidance in dealing with this slide problem. Until such time as repairs have been made it is recommended this portion of Maple Grove Road be closed.

Commissioner Thorn agreed, after having looked at the slide area on site with the Camano Road Supervisor, road closure was the appropriate action. As soon as staff has something definite as far as a schedule to repair the slide, that information should be made publicly known.

By unanimous motion, the Board approved Resolution #C-12-00 [R-06-00] as presented, with amendment to correct the title of the resolution and correction in the body of the resolution in the Be It Hereby Resolved paragraph, so that the terminating mile post should read 0.45 to mile post 0.50.

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

**IN THE MATTER OF EMERGENCY ROAD )  
CLOSURE OF A PORTION OF MAPLE GROVE ) RESOLUTION C-12-00  
ROAD AT MILE POST 0.45 TO MILE POST 0.50 ) R-06-00  
IN THE PLAT OF MAPLE GROVE BEACH, )  
1<sup>ST</sup> ADDN, DIV. NO. 2, SEC 23, TWP 32N., R 2E )**

**WHEREAS**, RCW 47.48.010 authorizes local governments to restrict vehicular traffic whenever the condition of such road is dangerous to the traveling public; and

**WHEREAS**, an emergency exists, caused by the vertical dropping of the embankment section of Maple Grove Road that started on January 22, 2000; and

**WHEREAS**, the county road crews have protected the failing roadway by covering the cracked pavement with plastic sheeting and barricaded the roadway; and

**WHEREAS**, on or about January 24, 2000, said roadway dropped another 0.5 feet vertically, blocking all vehicle passage; and

**WHEREAS**, the Board of Island County Commissioners has determined that additional road failure due to saturated soil conditions and subsequent rain that could cause another subsidence of greater proportions; and

**WHEREAS**, the Board believes that an emergency road closure is necessary until the landslide threat has passed; and

**WHEREAS**, the closure of county roads for safety reasons is a function of police power properly exercisable by the Board of County Commissioners; NOW, THEREFORE,

**BE IT HEREBY RESOLVED** by the Board of Island County Commissioners that the following road is closed to vehicular traffic:

Maple Grove Road, from its intersection with Doeskin Court, at Mile Post 0.45 westward to Mile Post 0.50, Section 23, T32N, R2E

The above roadway will be closed to vehicular traffic effective February 15, 2000, until such time as repairs can be made and it is determined to be safe for use by vehicular traffic.

ADOPTED this 7<sup>th</sup> day of February, 1999.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
[absent-Wm. L. McDowell, Chairman]  
William F. Thorn, Member  
Mike Shelton, Member

ATTEST: Margaret Rosenkranz  
Clerk of the Board                    BICC 00-67

**QUITCLAIM DEEDS APPROVED-EAST CAMANO DRIVE**

On Mr. Kwarsick's presentation and recommendation to approve and accept Quitclaim Deeds and appropriate payment as specified related to East Camano Drive, Phase 2 project, Camano Island, the Board by unanimous motion, approved the following:

Quitclaim Deed from Winifred I. Halliwell, Parcel 229-0650, Sec. 7, Twp 31N, R 3E; payment approved in the amount of \$8,250.00

Quitclaim Deed from Billy G. Lewis; Parcel 343-0650, Sec 7, Twp 31N, R 3E, with \$2,400.00 approved in payment of land, and \$300.00 for improvement in the form of French drain outlet, for a total of \$2,700.00.

**ONE YEAR EXTENSION OF PRELIMINARY APPROVAL OF SITE PLAN REVIEW 321//96 – AIR TOUCH CELLULAR CELL TOWER**

Request for Extension of Preliminary Approval of Site Plan Review 321//96 by Air Touch Cellular Cell Tower (application formerly under US West New Vector), Parcel 200-4620, Sec 27, Twp 33N, R 1E. was presented by Debra Little, Community Development Division, Public Works Department. The site plan was granted conditional preliminary approval on February 10, 1997 and will expire February 10,2000. The final site plan application and the building permit for the 150' cell tower have been submitted and are now being reviewed and staff recommends that the Board grant the one year extension under ICC 16.15.120.A, in order to complete the application for final site plan approval.

By unanimous motion the Board approved a one-year extension on Site Plan SPR 361/96 by AirTouch Cellular.

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

**Application:** Preliminary Site Plan SPR 321/96

**Name and Address of Agent, Applicant, and Owner:**

Agent:	Applicant	Owner:
Andrew King	AirTouch Cellular	North Whidbey Sportsmen Assn.
Meridian Group	3350 – 161 <sup>st</sup> Avenue, SE	P. O. Box 267
1910 North 41 <sup>st</sup> Street	Bellevue, WA 98008	Oak Harbor, WA 98277
Seattle, WA 98103		

**Requesting The Following:** A one (1) year extension of the approval of the Preliminary Site Plan for the AirTouch Cellular (was US West NewVector) Site Plan for a 150 foot tall cellular communication tower located in the Rural zone (was Rural Residential).

**Upon The Following Property:** The subject parcel is located north of Gun Club Road and west of Oak Harbor Road, approximately three quarters of a mile north of the Oak Harbor city limits and one half mile south of the boundaries of NASWhidbey/Ault Field on north Whidbey Island, Island County, Washington, in Section 27, Township 33 North, Range 1 East, W.M. (Assessor Parcel Number R13327-200-4620).

**Director's Approval**

Larry Kwarsick, Director  
Public Works Department

**Board of Island County Commissioner Decision:**

A one (1) year extension of the approval of the Preliminary Site Plan is hereby approved. Development shall be undertaken pursuant to the conditions of approval as set forth in the Findings, Conclusions and Recommendations of the Hearing Examiner, dated January 27, 1997. The application for Final Site Plan Approval shall be completed for recording no later than February 10, 2001.

**APPROVED AND ADOPTED** this 7<sup>th</sup> day of February, 2000.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
[absent-Wm. L. McDowell, Chairman]  
Mike Shelton, Member  
William F. Thorn, Member

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board BICC 00-70

**REQUEST FOR EXTENSION OF PRELIMINARY APPROVAL OF SITE PLAN REVIEW, SPR 264/96,  
PINNACLE TOWERS, INC.**

With regard to request for a one year extension of Preliminary Approval of Site Plan Review SPR 264/96, by Pinnacle Towers, Inc., [previously Strata Communications, and Motorola] for a cell tower on Parcel 076-3010, Section 36, Twp 29N, R 3E, again Ms. Little recommended approval of a one-year extension, detailing the request and an explanation for the extension in her memo of February 4, 2000. She recommended the Board grant an extension to January 27, 2001.

By unanimous motion the Board approved an extension to January 27, 2001, for site plan review SPR 264/96 as recommended.

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

**Application:** Preliminary Site Plan SPR 264/96

**Name and Address of Agent, Applicant, and Owner:**

Applicant:	Owner:
Tom Allen	Scattered Acres Tree Farm Limited Partnership
Pinnacle Towers Inc.	P. O. Box 269
11868 E. Conejo Ave.	Clinton, WA 98236-0269
Kingsburg, CA 93631	

**Requesting The Following:** A one (1) year extension of the approval of the Preliminary Site Plan for the Pinnacle Towers Inc. (was Strata Communications, then Motorola) Site Plan for a 140 foot tall cellular communication tower located in the Rural zone (was Rural Residential).

**Upon The Following Property:** The subject site is located on a portion of the Scattered Acres Tree Farm, southeast of the intersection of Argent Road and Heggenes Road on South Whidbey Island, Island County, Washington, in the SW ¼ of the SE ¼ of Section 36, Township 29 North, Range 3 East, W.M. (Tax Assessor Number R32936-076-3010).

**Director's Approval**

Larry Kwarsick, Director  
Public Works Department

**Board of Island County Commissioner Decision:**

A one (1) year extension of the approval of the Preliminary Site Plan is hereby approved. Development shall be undertaken pursuant to the conditions of approval as set forth in the Findings, Conclusions and Recommendations of the Hearing Examiner, dated January 6, 1997. The application for Final Site Plan Approval shall be completed for recording no later than January 27, 2001.

**APPROVED AND ADOPTED** this 7<sup>th</sup> day of February, 2000.

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

[absent-Wm. L. McDowell, Chairman]  
Mike Shelton, Member  
William F. Thorn, Member

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board BICC 00-71

**REVIEW FINANCIAL REPORTS**

**Treasurer: December, 1999 & YTD Cash Report; County Investment Report & Status**

**Auditor: Monthly Review of Revenues and Expenditures, December, 1999**

- The Treasurer's Report and the Auditor's Report were provided in writing. Both the Treasurer, Maxine Sauter, and Auditor, Suzanne Sinclair, were present to elaborate on their reports, and respond to any questions.

- Commissioner Shelton observed that the Cash Report from the Treasurer shows total cash receipts of one amount, but the total revenues on the Auditor's Report show a different figure.

Ms. Sinclair explained that the two reports would never look the same because the computer accounting systems do not "talk" to one another, resulting in having to enter a lot of cash receipts, therefore the cash reconciliation comes harder and longer. The cash report shows cash on hand, the other report shows earnings. It was her opinion that a financial report could be prepared that would succinctly explain why those differences exist. She thought it would be interesting to have some companies that do comprehensive software give a demonstration of what is available as far as more user-friendly systems.

Ms. Sauter commented on her responsibilities in making investments and to make sure every penny is accurate; she likes checks and balances of independent recordings of revenues, and noted that a cash system is entirely different than an accrual system.

Commissioner Shelton was interested in seeing a cooperative accounting system that meets everyone's needs, one that interfaces one with another in terms of the Auditor and Treasurer. He believed that where there are two accounting systems that cannot interface with one another someone had to be doing some work that need not be done. No one was asking any Elected Official to compromise what they feel is important, but did think they should move along with technology.

Commissioner Thorn expressed his frustration at not having a single more meaningful financial report, more management oriented. He was wide open to suggestions and was willing to get together with both Ms. Sauter and Ms. Sinclair to discuss the matter.

Treasurer's Investment Report: as of December 31, 1999, there is \$56.4 million invested. Interest rates seem to be

staying between 5.8 and 5.95%, but last week up to 6.2 to 6.5 for \$500,000 to \$1 million invested for 6 months.

**HEARING HELD: ORDINANCE #C-02-00 (PLG-003-00) AMENDING THE BOUNDARY OF THE BAYVIEW AND WEST BEACH RAIDS**

A Public Hearing was held at 10:45 a.m. as scheduled and advertised, for the purpose of considering Ordinance #C-02-00, introduced on 1/10/00 and set for this date and time prepared to respond to the November 23, 1999 order of the Western Washington Growth Board.

**Attendance:**

Public: None [Attendance Sheet GMA doc. #\_\_\_\_\_]  
Staff/Consultant: Keith Dearborn; Jeff Tate

The boundaries to eight RAIDs were invalidated by the Growth Board, finding for six of those eight RAIDs Island County was in full compliance with GMA with changes made in August by Island County; for two RAIDs, the County was found not in compliance and directed to make further changes. The proposed ordinance includes an amendment to 17.03 and to the zoning atlas. On January 10<sup>th</sup>, the amendment to 17.03 changed one table, and showed what the changes were using maps posted on the wall at that time [GMA doc. #5296, West Beach RAID; #5297 Bayview RAID].

Today, Mr. Tate submitted proposed amendments [GMA doc. # \_\_\_\_\_]:

Page 2 of Ordinance #C-02-00, the fifth line after Exhibit B, add “and amendments to \_\_\_\_\_ the Finding of Fact attached hereto as Exhibit C”

Exhibit A [Page 5] 17.03.075, Residential Areas of More Intensive Rural Development:

North Whidbey: Seaview RAID density should be 2 dwelling units per acre, not 3, and ½ acre minimum acre lot size

South Whidbey: Bayview RAID changed to Sunlight Beach RAID

Exhibit C, Findings of Fact, starts on page 7.

Added under Findings of Fact 84, #84A for Sunlight Beach RAID, describing the Hearings Board compliance hearing order language, renames the RAID from Bayview to Sunlight Beach, and includes a county response to the compliance hearing order, to delete the connecting lots between the Bayview commercial and what had been called \_\_\_\_\_ the Bayview residential – deleting some of the larger lots bounded on the west side by diking and drainage district. That resulted in a reduction in 163.8 acres in the RAID and 26 parcels.

Added under Findings of Fact 85, #85a for West Beach RAID describing the compliance hearing order and the county’s response to eliminate the interconnecting strip between the Plat of Seaview and lower plats of Patton’s Hide-Away and some of \_\_\_\_\_ the other smaller plats. That resulted in a reduction of 38-1/2 acres and 18 lots.

The last three pages are the same charts used throughout the process detailing in ranges of parcel size what that reduction means in the new revised charts.

In the record is a letter dated January 10, 2000 from Jeff Tate to John Graham, Island County Citizens Growth Management Coalition [GMA doc. #5270] enclosing a copy of proposed Ordinance PLG-003-00 and transmitting large scale maps showing revisions to the West Beach and Bayview Residential RAIDs proposed to comply with the November 23, 1999 compliance hearing order of the Western Growth Board., and asked for comments or suggestions

on the proposal. Mr. Tate followed with a phone call to Mr. Graham who did question the inclusion of one parcel in the Bayview RAID, the northern most parcel of about 10 or so acres and was not pleased to see that included.

Mr. Tate showed on the map where that parcel was located. And Commissioner Shelton stated that was actually two parcels, not one contiguous parcel. The second parcel south of the one in question has already been subdivided into what may be one acre lots so; in essence, the only real development potential is the one 10-acre piece in the entire RAID. Mr. Tate advised that that parcel is the northern most parcel in the RAID and included because it is bordered on the north side by Gabelein Road; on the east side by Bayview Road; on the west side by diking and drainage district.

**Public Input**

No one spoke either for or against Ordinance #C-02-00.

**Board Action**

By unanimous motion, the Board approved Ordinance #C-02-00 [PLG-003-00] in the matter of amending Chapter 17.03 of the Island County Code and the Zoning Atlas to comply with the invalidity order of the Western Washington Growth Management Hearings Board regarding certain rural residential RAIDs, as amended to change the density for Seaview from 3 to 3 dwelling units per acre; cover ordinance second page adding the reference to Exhibit C, and attaching Exhibit C as part of the Ordinance.

[GMA doc. #\_\_\_\_\_]

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

IN THE MATTER OF AMENDING CHAPTER 17.03    ))))))  
ICC AND THE ZONING ATLAS TO COMPLY WITH        ORDINANCE C- 02-00  
THE INVALIDITY ORDER OF THE WESTERN  
WASHINGTON GROWTH MANAGEMENT            PLG-003-00  
HEARINGS BOARD REGARDING CERTAIN RURAL  
RESIDENTIAL RAIDs

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

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

**WHEREAS**, the Board found the logical outer boundaries of eight Rural Residential RAIDs invalid and therefore modified boundaries are needed to govern land use in these RAIDs. The specific RAIDs are:

1. Harrington Lagoon
2. Lands Hill
3. Livingston Bay Heights
4. Penn Cove
5. Teronda West
6. Useless Bay/Bayview
7. West Beach
8. West Deer Lake

**WHEREAS**, on August 23, 1999, the Board of Island County Commissioners adopted Ordinance C-95-99, which amended the boundaries of the eight invalidated RAIDs; and

**WHEREAS**, on November 23, 1999 the Board considered Ordinance C-95-99 and determined that further boundary changes were still needed for Bayview and West Beach. For the six other RAIDs the Board determined that the County complied fully with its Order and rescinded its invalidity determination; and

**WHEREAS**, in 1998, the County completed environmental review under Chapter 41.21C RCW, SEPA, on its Comp Plan and Development Regulations including the Rural Residential Zone; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.03 ICC and the Zoning Atlas relating to the West Beach and Bayview RAIDs, to comply with the Order of the Growth Board are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comp Plan and Development Regulations; **NOW, THEREFORE**,

**BE IT HEREBY ORDAINED** in order to comply with the November 23, 1999 Compliance Order of the Western Washington Growth Management Hearings Board, the Board of Island County Commissioners hereby adopts the changes to Chapter 17.03 ICC relating to the West Beach and Bayview RAIDs attached hereto as Exhibit A, amendments to the Zoning Atlas attached hereto as Exhibit B, and amendments to the Finding of Fact attached hereto as Exhibit C relating to certain lands classified in the Rural Residential Zone. Material stricken through is deleted and material underlined is added.

**BE IT FURTHER ORDAINED** that these amendments to the Rural Residential Zone and Zoning Atlas shall not take effect until the Western Washington Growth Management Hearings Board determines that these amendments do not substantially interfere with the goals of the GMA.

Reviewed this 10<sup>th</sup> day of January, 2000 and set for public hearing at 10:45 AM on the 7<sup>th</sup> day of February, 2000.

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

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board BICC 00-27

**APPROVED AND ADOPTED** as amended this 7<sup>th</sup> day of February, 2000 following public hearing.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
[absent - Wm. L. McDowell, Chairman]  
William F. Thorn, Member  
Mike Shelton, Member

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board

**APPROVED AS TO FORM:**

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

*[Note: Exhibits A, B and C on file with the Clerk of the Board]*

**ORDINANCE #C-13-00 (PLG-005-00) RECLASSIFYING A 20.94 ACRE PARCEL FROM RURAL FOREST (RF) TO RURAL (R) – ROGER AND MARY ROCKWELL, CENTRAL WHIDBEY ISLAND, PARCEL R23107-222-0540.**

Phil Bakke, Planning Director, presented for Board action Ordinance #C-13-00 (PLG-005-00) proposed to reclassifying a 20.94 acre parcel from Rural Forest (RF) To Rural (R), application submitted by Roger and Mary Rockwell, Central Whidbey Island, Parcel R23107-222-0540.

As Mr. Bakke noted, this is an Administrative Type II rezone application reviewed by Island County Planning Department the last rezone in the process under the old standards. Notice of Complete Application was issued on

November 19, 1999; SEPA threshold determination of Non-Significance issued December 10, 1999. The proposal was found to be consistent with the Comprehensive Plan and applicable development regulations in affect the date of Notice of Complete Application. The property owner removed the property from the rural Forest tax classification. Final action by the Island County Planning Department on the application was taken on January 26, 2000, forwarded to the Board for approval to update the official Island County Zoning Atlas map to reflect the new zoning.

By unanimous motion, the Board approved Ordinance #C-13-00 (PLG-005-00) in the matter of reclassifying a 20.94 acre parcel form Rural Forest to Rural by Roger and Mary Rockwell.

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

<b>IN THE MATTER OF RECLASSIFYING A )</b>	
<b>20.94 ACRE PARCEL FROM RURAL )</b>	<b>ORDINANCE C-13-00</b>
<b>FOREST (RF) TO RURAL (R) – )</b>	<b>PLG-005-00</b>
<b>Roger and Mary Rockwell )</b>	

**WHEREAS**, an application for Zoning Amendment, ZAA 816/99 was accepted as complete for review on November 15, 1999; and

**WHEREAS**, the applicant proposed to reclassify a 20-acre parcel from Rural Forest (RF) to Rural (R); and

**WHEREAS**, a SEPA Threshold Determination of Non-Significance (DNS) on the parcel, R23107-222-0540, located near the intersection of Welcher Road and Stillmeadow Road on Central Whidbey Island, WA, was not found to have adverse environmental impacts; and

**WHEREAS**, the proposal was evaluated for consistency with the Comprehensive Plan and applicable development regulations per ICC 16.19.100, and conforms with the requirements provided for a reclassification pursuant to Section 17.03.220.D.1; and

**WHEREAS**, the proposed reclassification from Rural Forest to Rural was approved by the Island County Planning Director on January 26, 2000, pursuant to Section 17.03.220 in effect at the time of complete application; and

**WHEREAS**, pursuant to ICC 16.19.110A type II applications shall be considered under the zoning and other development regulations is effect on the date a notice of complete application is mailed or notice of completion is given; and

**WHEREAS**, as a result of the approved reclassification from Rural Forest to Rural the official Island County Zoning Atlas must be updated to reflect the reclassification.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** that Parcel R23107-222-0540, described in attached Exhibit A, was reclassified from Rural Forest to Rural and the official Island County Zoning Atlas will be updated to reflect the reclassification.

Approved and adopted this 7<sup>th</sup> day of February, 2000.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
[absent - Wm. L. McDowell, Chairman]  
William. F. Thorn, Member  
Mike Shelton, Member

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board  
*[Exhibit A on file with the Clerk of the Board]*

**EXECUTIVE SESSION**

The Board met in Executive Session at 11:30 a.m. to discuss with special legal counsel potential litigation as allowed under R.C.W. 42.30.110 (1) (i). The session lasted approximately one hour and there was no announcement made on conclusion in open public session.

**HEARING HELD: ORDINANCE #C-121-99 (PLG-043-99) ADOPTING THE OAK HARBOR INTERLOCAL AGREEMENT GOVERNING LAND USE DECISIONS WITHIN THE NON-MUNICIPAL PORTION OF OAK HARBOR'S UGA**

A Public Hearing was held at 1:30 p.m. to consider Ordinance #C-121-99 (PLG-043-99) Adopting the Oak Harbor Interlocal Agreement governing Land Use Decisions within the non-municipal portion of Oak Harbor's UGA, which was continued from hearings held on 10/25/99 and 11/23/99.

**Attendance:**

Public None [attendance sheet GMA doc. #\_\_\_\_\_]
Staff/Consultant Keith Dearborn; Phil Bakke

Mr. Dearborn recommended that the Board continue the Ordinance for approximately another month. Mr. Dearborn and Commissioner McDowell met with the Mayor of Oak Harbor and City staff and 20 to 30 affected property owners in the Goldie Road area mid-January. It was a very productive meeting and City recognized there need to be some changes made in their currently-adopted amendment to the proposed Interlocal Agreement. Another community meeting is to be held the end of February to review modifications to the Interlocal Agreement. Those proposed modifications are to be provided to participants by midFebruary. Mr. Dearborn will draft those amendments after receipt from the City suggested language changes. The main issue is water and sewer service and how that is to be provided in the future and what terms and conditions the City imposes on the extension of those city services.

By unanimous motion, the Board continued the public hearing on Ordinance #C-121-99 to March 13, 2000 at 1:30 p.m.
[Notice of Continuance, GMA doc. #\_\_\_\_\_]

**HEARING HELD: ORDINANCE #-118-99, PLG-001-99 AMENDING CHAPTER 17.03 ICC REGARDING COMMUNICATION TOWERS**

A Public Hearing was held at 2:00 p.m. for the purpose of considering Ordinance #C-118-99, PLG-001-99 (continued from 12/13/99) Amending Chapter 17.03 ICC regarding Communication Towers.

**Attendance:**

Public: 7 [Attendance Sheet GMA doc. #\_\_\_\_\_]
Staff: Phil Bakke

Mr. Bakke recommended the Board continue the hearing until March 6<sup>th</sup> to facilitate additional review at staff session and allow for re-advertising and formal distribution to the public of a hearing draft for the March hearing.

**PUBLIC INPUT**

**Gary Piazzon**, Coupeville, representing the Island County Citizens Growth Management Coalition, opened with a quotation from Archabald McLeash a naturalist with George Vancouver; and a quotation by George Vancouver speaking specifically about Whidbey Island, to make the point that communication towers have the capacity for degrading that legacy. The Telecommunication Act of 1996 required communities to accommodate in an unbiased way the new technology, but did not give carte blanche over local zonings. This was clarified in a lawsuit, Sprint Spectrum vs. Town of Ontario, New York, 1996 by the U. S. District Court and the decision in favor of the Town stated: "The desires of the industry do not supersede a community's ability to preserve its character". The City of Medina challenged Sprint's proposal to put three 100' towers within city limits; Sprint eventually agreed to 70' towers and pressured further agreed to 50' towers. On Vashon Island they voluntarily reduced a 152' tower to 120' height. The industry frequently attempts to bamboozle decision makers because technology is new and complicated.

The Island County Planning Commission in its Findings stated that "wireless communication has become an essential part in everyday lives of the citizens of Island County" and while it may be true for a few citizens of Island

County Mr. Piazzon did not think it was true for most and definitely not all Island County residents. Cell phones have not become that important. He believed that the industry attempted to promote myths, for example:

- **cannot co-locate because of signal interference**

Response. This is untrue; other municipalities require co-location and technology allows it

- **cell phones enhance telecommuting and reduce traffic congestion**

Response: most cell phone use is in automobiles. Cell phones and grid lock go together.

- **tall towers are essential**

Response: tall towers are desirable because cheapest dirtiest way to go. The industry itself after an area becomes saturated with competitors voluntarily has to go to smaller reception and transmission units to avoid botched relays.

- **towers do not affect property value**

Response: look at a landscape with a tower. There was a large settlement awarded to a property owner in Texas over a 100' tower - \$1.2 million for affects on property and mental anguish.

Mr. Piazzon stated that technology is available that provides an option to tall towers. The attorney for the City of Medina dealt extensively in developing that city's cell tower ordinance said: "don't accept the providers statement of their needs or capabilities at face value". For the record, he submitted a letter from the Coalition dated 2/7/00 [entered as GMA doc. #\_\_\_\_\_] providing comments on Ordinance PLG-001-00 and offered suggestions for consideration, in summary:

- Include in the definition section Concealment Technology [from the Medina ordinance but delete the word "natural"]
- Land Use Standards – permit requirements. Changes are being proposed by the Planning Department to clarify and simplify the language, therefore Mr. Piazzon held this for a future discussion.
- 17.03.180.c add paragraph v to state that lattice or towers requiring guy-wires not be permitted.
- Screening. Use mature native trees for screening. Towers to be sited amongst dense groves of mature trees so that the antenna stick out above the trees no more than 20' above tops of the trees [provider would be allowed to trim back the trees to maintain that height]. If siting amongst dense stands of trees is not possible, employ the concealment technology option. Concealment technology should be employed within Ebey's Landing National Historic Reserve and along major view corridors. Facilities shall be below ground level.
- Height and Setback Standards. Changes are being proposed by the Planning Department and Mr. Piazzon held this for a future discussion.

Other suggestions on behalf of the Coalition:

Co-locatoin. Delete the language "unless the tower is not structurally or technologically feasible for co-location or is not made available at a market rate cost or the site is not made available for sale or lease by the landowner".

Section v: Rewrite the opening sentence to read "in the event co-location is represented to be technologically not feasible, the County shall retain a technical expert in the field.... "The appropriate person would be someone who is unbiased. To minimize and harmonize visual impact of the towers it is suggested to limit the antenna arrays to four, which he believed " generous". This was included in the event there is a site where it would not be visibly obtrusive and would not require the mature stand of trees around it, to allow some flexibility. Some towers are over ¼ mile high. Anything over 200' requires FAA lighting; if within three nautical miles of an airport it requires hazard lighting or an air traffic corridor approach, which

according to NAS Whidbey includes all shorelines. The taller towers with lights apparently confuse migrating birds and destroy millions of birds a year. Birds migrate primarily at night and use the stars as reference points; the lights confuse and attract the birds to the invisible structures at night [faster flying birds].

Facility Color. add the term “visually compatible with their surroundings”. Green trees, a gray sky and steel blue mountains are the background elements. Note typographical error section i) should be j). Metal poles in a natural setting do not look natural.

Lights and Signals. Suggested is to add language “If hazard lights are required they shall be of the strobe type versus the conventional red hazard lights” to protect migrating birds. Apparently the strobe lights do not have the same affect in attracting and disorienting migrating birds.

Commissioner Thorn at the last meeting referenced triangle devices on powerlines creating some kind of a whistle noise to alert the birds. his question was if they could be mounted on the towers or even on a whip protruding from a tower in the prevailing wind and create the whistle (example as used with power lines between the Farmhouse and the turn to come to Whidbey Island). He offered to put Mr. Piazzon in touch with a wildlife expert from Pillchuck Wildlife Rehabilitation Center in this regard. Mr. Piazzon agreed to look into that prior to the next hearing.

Section P. There is concern over what happens once a tower becomes obsolete. If the owner of a tower goes into bankruptcy what motivation is there for removal of the tower. The Coalition recommends requiring posting of a bond for this purpose with submission of application and recommends that such structure and buildings be removed within 180 days of the abandonment or discontinuance of use.

Section q. Add: “Failure to dismantle a tower and its support facilities within the time limit established shall result in a \$100 per day penalty until compliance is achieved.

Brian Montana, Coupeville, commented that when putting together requirements for cell towers there should be serious consideration about the future impact of that tower in the long term, and find out what steps the owner will take to be continue to be interested in the impact on lives of Island County citizens. He thought a \$100 per day fee would not be recognizable loss to a company like Sprint and suggested the he higher the standards the more efforts that will be make by the company. As the future of technology increases, i.e. GPS monitoring systems, towers will become archaic, inefficient and unusable; whether in production or visually seen or not there will be a social contamination for visual, sensory. Note there are many things that make Whidbey Island geographically unique and the more we start to compromise the natural borders and surroundings eventually will not be “uniquely Whidbey”.

Jay Maddox, North Bluff Road, Greenbank, had a neighbor within the last 1-1/2 months erected a ham tower but and felt it fit in with this discussion. He showed a 1971 photograph to illustrate what the view looked like before the tower was installed, and more recent pictures of the kind of visual clutter experienced at this point. It is a telescopic antenna and revolves. Mr. Maddox was advised by the Board to work with Mr. Bakke on this site-specific situation.

Lynn Wilcox, Oak Harbor, indicated her concerns were stated well by Mr. Montana.

## **Board Comments**

Commissioner Shelton recognized that over the course of public hearings held the Board received a lot of good ideas with regard to a cell tower ordinance, and some of the requirements suggested by the Coalition have merit. One of the more interesting things to him was that a power pole could be extended to accomplish the same thing as a large obtrusive cell tower. Some of the requirements suggested He thought things were close in terms of coming up with a cell tower ordinance that would appropriately protect the islands from having more cell towers than what there really needs to be. The thing that exists in cell tower technology is the ability to accommodate both sides – technology to accommodate people who depend on cell phones yet do that in such a way that is not damaging to the aesthetic qualities of the County.

Commissioner Thorn had been reviewing the San Juan County ordinance, a model ordinance in this area. In looking at the original drafts since the Planing Commission deliberations, the issue has come a long way in the development of

an ordinance. He and others have very strong feels about the aesthetics of cell towers. The maturity of the technology in the installation is evolving in such a way that it is more and more possible to use power pole swap-outs and not go to the large antenna arrays. He would like to get on with the matter and get the ordinance out as soon as possible. Again, he indicated he would appreciate any feedback from Mr. Piazzon about the warning device concerning birds.

Based on staff recommendation, the Board by unanimous motion, continued the public hearing on Ordinance #C-118-99 to March 6, 2000 at 1:30 p.m. [Notice of continuance: GMA doc. #\_\_\_\_\_]

There being no further business to come before the Board the meeting was adjourned at 2:50 p.m., the Board to meet next in Special Session on February 9, 2000 at 6:00 p.m. in public hearing to consider Ordinance #C-151-99 (PLG-049-99), amending Chapter 17.02 ICC to comply with the order of the WWGMHB relating to certain provisions of the County's critical area regulations relating to existing and on-going agricultural activities. The next regular meeting will be held on February 14, 2000 beginning at 9:30 a.m.

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

[absent: Wm. L. McDowell, Chairman]

\_\_\_\_\_  
William F. Thorn, Member

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Mike Shelton, Member

**ATTEST:**

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Margaret Rosenkranz, Clerk of the Board