

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - APRIL 3, 2000

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 3, 2000, at 9:30 a.m., Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Wm. L. McDowell, Chairman, William F. Thorn, Member and Mike Shelton, Member, present.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, as well as approving the March payroll: Voucher (War.) #71679 - 71873 \$250,616.81 [excluding Voucher #2080259 to R. W. Beck which was held for further review during Staff Session 4/5/00].

PERSONNEL ACTIONS

Personnel Action Authorizations were approved by the Board as follows, as presented and reviewed by Dick Toft, Human Resource Director:

PAA #	Description/Position No.	Action	Eff. Date
043/00	Appraiser Trainee #109.01	Replacement	4/3/00
044/00	Juv. Prob/Parole Counselor #1402.06	New [grant funded]	4/3/00

RESOLUTION #C-31-00: PROCLAMATION-FRIENDS OF THE LIBRARY WEEK

In conjunction with Proclamation issued by Governor Gary Locke proclaiming the week of April 9 through April 16, 2000 Friends of the Library Week in Washington State, and the Sno-Isle Regional Library Board of Trustees like proclamation, the Board by unanimous motion approved Resolution #C-31-00 proclaiming the week of April 9, 2000 Friends of the Library Week in Island County, Washington.

**BEFORE THE BOARD OF
ISLAND COUNTY COMMISSIONERS**

Proclamation

IN THE MATTER OF PROCLAIMING THE } WEEK OF APRIL 9, 2000 FRIENDS OF THE } LIBRARY WEEK IN ISLAND COUNTY, } WASHINGTON } _____ }	RESOLUTION #C-31-00
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WHEREAS, Friends of the Library groups are community-based groups of citizens who promote, encourage and enhance the work of their local library; and

WHEREAS, in Island County there are five Friends of the Library groups; and

WHEREAS, these groups raise funds annually to enhance the services of local libraries; and

WHEREAS, the members volunteer countless hours of service to their local library; and

WHEREAS, dedicated citizens assist libraries in volunteering time, raising money and communicating the library's services; and

WHEREAS, Friends of the Library groups are vital to the enhancement of libraries in Island County;

NOW THEREFORE, the Board of Island County Commissioners do hereby proclaim the week of April 9, 2000 as

FRIENDS OF THE LIBRARY WEEK

in Island County, Washington, and urge all citizens to recognize and applaud the invaluable service of the Library Friends groups.

SIGNED this 3rd day of April, 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

AWARD OF BID - COUNTY LEGAL NEWSPAPER PER R.C.W. 36.72.075

By Memorandum dated March 27, 2000, Suzanne Sinclair, Island County Auditor, advised the Board that 9:00 a.m. that date was the deadline for submission of bids for the County Legal Newspaper. One submission was received, that being from The Whidbey Newspaper Group but providing two bids proposing rates for both the Whidbey News Times and the South Whidbey Record.

Whidbey News Times, Oak Harbor

Circulation: in-county 8,835

Rates: \$10.80 per inch first insertion; \$9.10 per inch second and additional insertions

The South Whidbey Record, Langley

Circulation: 5,552

Rates: \$10.50 per column inch first notice; \$8.80 per inch for second and additional insertions.

Should the County choose to run all legal notices in both the South Whidbey Record and the Whidbey News Times, we would offer a 12% discount on all rates for a combined rate of:

\$18.80 per inch for first insertion

\$15.75 per inch for second and additional insertions.

By unanimous motion, the Board awarded bid to *Whidbey News Times* as the official county legal newspaper, and confirmed continuation of past practice that where there are specific geographical issues, to continue to use supplemental advertising in either the *South Whidbey Record*, *Stanwood-Camano News* or *Coupeville Examiner* where appropriate.

The Chairman noted some raise in rate over last year along with reducing the size of column which seemed to be a doubling of the rate and agreed to bring this concern to the attention of the publisher.

EAST CAMANO DRIVE, PHASE #2 – RESOLUTIONS AUTHORIZING PROSECUTING ATTORNEY TO COMMENCE CONDEMNATION PROCEEDINGS

- **Resolution #C-32-00 (R-13-00)** – In the Matter of Authorizing the Prosecuting Attorney to Commence Condemnation Proceedings, East Camano Drive, Phase #2, CRP #96-05, WO #208, Parcel 330-0650, Sec.7, Twp 31N, R 3E.

- **Resolution #C-33-00 (R-14-00)** – In the Matter of Authorizing the Prosecuting Attorney to Commence Condemnation Proceedings, East Camano Drive, Phase #2, CRP #96-05, WO #208, Parcel 279-0660, Sec. 7, Twp 31N, R 3E

- Larry Kwarsick, Public Works Director, asked the Board to initiate and authorize commencement of condemnation proceedings in association with East Camano Drive, Phase II project, work order #208, CRP 9-05. His opinion was that most of the issues holding up progress with regard to settlement in terms of right of way acquisition do not relate specifically to the value of the property and appraised value, rather primarily relate to issues in terms of the nature of the project itself and modifications to the project being asked by two property owners. He confirmed County compliance with statutory requirements in terms of appraisals review of appraisals and negotiations and made three offers but unable to settle.

Rudy Hoffman, 4446 Central Avenue, Riverside, Ca. 92506, [property relates to Resolution #C-33-00) is one of the property owners who refused the County's offer. His main concerns are:

- His property is a designated wetland. A biological impact study has been done on his property [copy submitted for the record dated March 31, 2000 by HYDRO TERRA Biological Services, Arlington, Wa.]. The reports shows two water tables, one 12" under the ground, the other 24". If the hill is cut into, the hill will collapse; the hill sits on clay tables which will slide.
- The County plans to move the centerline of the street 6.5' into his hill along with a bike path and drainage ditch, and will dump that sediment into the drainage ditch flowing year around, and dump that into the tide flats and wetlands at the end of Port Suzan.
- No geological studies of the property have been done by the County; no one from the County has walked the property. His house sits on a 30 degree incline hill and he sees no need to jeopardize what he is building. All he asked was that a retaining wall be put in as is the case with the ten properties above. DOT has indicated to him that \$40,000 per retaining wall was a gross exaggeration.
- He is aware of what exists in the hill to the north of him and when cutting into the hill and take 20' of trees, it will create a problem. The approximate setback of his construction is about 180' East Camano Drive. He clarified he had gotten the direction that he was speaking of south rather than north. He confirmed he was prepared to go to court.

Lew Legat, County Engineer, showed by locating on a map posted during the presentation, the location of Mr. Hoffman's property and another parcel being considered today [Newman]. He pointed out the area to the south where the County is installing some retaining walls because houses are in close proximity to the roadway and a number of drainfields close to the right of way line. Mr. Hoffman's house is a ways back from the right of way. The County's consultant looked at the soils in the area and the County received a recommendation to use 1 to 1-1/2 slopes in this area. Staff and Consultant do not believe there are any designated wetlands on the property, though there may be some wet areas.

Mr. Kwarsick confirmed recommendation of the consultant engineers that plans as presented are adequate and consistent with what has been done in the past. Mr. Hoffman is correct about the County having moved the roadway centerline a little bit to the west, and explained that was due to the proximity of the down slope lots easterly. Mr. Kwarsick's recommendation was to proceed with the approval of the resolution. The process takes time and there is still opportunity to negotiate and resolve differences of opinion. condemnation. Condemnation is the last thing the Department wants to do.

Mr. Hoffman stated that money was not the issue. He submitted a copy of the report regarding his property for the record: Hydro Terra Biological Services from Arlington, a critical area study for the property of Rudy Hoffman, Auditor's Tax Account R33107-279-0660. He requested notification by certified mail with respect to any legal action, along with a scheduled time table

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Commissioner Thorn agreed that the Board should accept Public Works recommendation, but that the County continue to look at available information Mr. Hoffman may have generated through his contractors and attempt to resolve that if possible. He is aware that this is a dangerous section of road, the project behind schedule at this point.

Mr. Kwarsick added to note this whole East Camano corridor from this point north is one of the few portions of the County's arterial system that needs to be upgraded in terms of its level of service.

Chairman McDowell observed that it is unusual for the Board to be faced with having to condemn property. He asked Public Works staff to read Mr. Hoffman's report very carefully and see if there may be any issues missed. It was his hope to be able to work out a solution before going to court. He did agree that with an arterial project such as this one the County must be able to move on it eventually and cannot be held up by just one or two property owners. The request to keep property owners informed he thought was a legal requirement.

Commissioner Thorn commented that if the property owners are going to be represented by counsel the County would need to know who those people are in order to provide due notice. The Board, by unanimous motion, approved Resolution #C-32-00 [R-13-00 in the matter of authorizing the prosecuting attorney to commence condemnation proceeding on East Camano Drive, Phase II, W.O. #208, CRP #96-05, and Resolution #C-33-00 [R-14-00] in the matter of authorizing the Prosecuting Attorney to commence condemnation proceedings, East Camano Drive, Phase II, W.O. #208, CRP #96-05.

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

IN THE MATTER OF AUTHORIZING)	
THE PROSECUTING ATTORNEY TO)	RESOLUTION NO. C-32-00
COMMENCE CONDEMNATION PROCEEDINGS, EAST)	RESOLUTION NO. <u>R-13-00</u>
CAMANO DRIVE, PHASE #2)	-
W.O. #208 -- CRP # 96-05)	

WHEREAS, the real property described herein is required by the County for immediate project construction of EAST CAMANO DRIVE, PHASE #2, Parcel R33107-279-0660, situated in a portion of the of Section 07, Township North, Range , W.M., Island County Map # 0923; and

WHEREAS, any delay in the County's road construction program is contrary to the public interest; and

WHEREAS, the County's offer for purchase of that certain real property described in the following attachment(s) - Exhibit "A" - has been refused by the owner;

NOW, THEREFORE, BE IT RESOLVED that:

1. The above described real property is necessary for public use of Island County, Washington for public road purposes.
2. Time is of the essence and prompt action must be taken to secure the above described real property.
3. The Board of County Commissioners authorizes and directs the Prosecuting Attorney to instigate condemnation procedures in order to acquire and take possession of the above described real estate with assistance from the County Engineer as necessary.

ADOPTED this 3rd day of April, 2000.

BOARD OF ISLAND COUNTY COMMISSIONERS
 WM. L. McDOWELL, Chairman
 WILLIAM F. THORN, Member
 MIKE SHELTON, Member

ATTEST: Margaret Rosenkranz,
Clerk of the Board BICC 00-207

[note: Exhibit "A" and "B" on file with the Clerk of the Board and Public Works Department]

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

IN THE MATTER OF AUTHORIZING)
THE PROSECUTING ATTORNEY TO) RESOLUTION NO. C-33-00
COMMENCE CONDEMNATION PROCEEDINGS, EAST)
CAMANO DRIVE, PHASE #2) RESOLUTION NO. R-14-00
W.O. #208 -- CRP # 96-05)

WHEREAS, the real property described herein is required by the County for immediate project construction of EAST CAMANO DRIVE, PHASE #2, Parcel R33107-330-0650, situated in a portion of the of Section 07, Township North, Range , W.M., Island County Map # 0923; and

WHEREAS, any delay in the County's road construction program is contrary to the public interest; and

WHEREAS, the County's offer for purchase of that certain real property described in the following attachment(s) - Exhibit "A" - has been refused by the owner;

NOW, THEREFORE, BE IT RESOLVED that:

1. The above described real property is necessary for public use of Island County, Washington for public road purposes.
2. Time is of the essence and prompt action must be taken to secure the above described real property.
3. The Board of County Commissioners authorizes and directs the Prosecuting Attorney to instigate condemnation procedures in order to acquire and take possession of the above described real estate with assistance from the County Engineer as necessary.

ADOPTED this 3rd day of April, 2000.

BOARD OF ISLAND COUNTY COMMISSIONERS

WM. L. McDOWELL, Chairman
WILLIAM F. Thorn, Member
MIKE SHELTON, Member

ATTEST: Margaret Rosenkranz,
Clerk of the Board BICC 00-208

[Note: Exhibits "A" and "B" on file with the Clerk of the Board and Public Works Department]

**RESOLUTION #C-34-00 (R-15-00) AUTHORIZING CALL FOR BIDS
FOR ASPHALT CONCRETE MATERIALS**

By unanimous motion, the Board approved Resolution #C-34-00 (R-15-00) in the Matter of Authorizing Call for Bids for Asphalt Concrete Materials for the period of May 1, 2000 to May 1, 2001, scheduling bid date for April 25, 2000 at 1:00 p.m.

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

IN THE MATTER OF APPROVING }
SPECIFICATIONS & AUTHORIZING } RESOLUTION #C-34-00
CALL FOR BIDS FOR: } RESOLUTION #R-15-00

ASPHALT CONCRETE MATERIALS } }

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

**Asphalt Concrete Materials for the period of
May 1, 2000 (or date of bid award) to May 1, 2001
Modified G, Class B, ATB & Tack Coat Oil**

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said supplies; **BID OPENING** to be the 25th day of April, 2000 at 1:00 p.m., in Conference Room #3, 1 N.E. 6th Street, Coupeville, Washington.

ADOPTED this 3rd day of April, 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 00-209

[Note: Attachment A, Specifications, on file with Clerk of the Board and Public Works Department]

**RESOLUTION #C-35 -00 (R-16-00) AUTHORIZING CALL FOR
BIDS FOR LIQUID ASPHALT MATERIALS**

By unanimous motion, the Board approved Resolution #C-35-00 (R-16-00) in the Matter of Authorizing Call for Bids for Liquid Asphalt Materials for the period of May 1,2000 to May 1, 2001 and setting bid opening date for April 25, 2000 at 1:15 p.m.

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

**IN THE MATTER OF APPROVING }
SPECIFICATIONS & AUTHORIZING } RESOLUTION #C-35-00
CALL FOR BIDS FOR: }
LIQUID ASPHALT MATERIALS } RESOLUTION #R-16-00**

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

**Liquid Asphalt Materials for the period of
May 1, 2000 (or date of bid award) to May 1, 2001
CRS-2, CMS-2, & CSS-1**

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said supplies; **BID OPENING** to be the 25th day of April, 2000 at 1:15 p.m., in Conference Room #3, 1 N.E. 6th Street, Coupeville, Washington.

ADOPTED this 3rd day of April, 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 00-210

[Note: Attachment A, Specifications, on file with the Clerk of the Board and Public Works Department]

ADOPT-A-ROAD LITTER CONTROL PROGRAM AGREEMENTS APPROVED

By unanimous motion, the Board approved the following new agreements and renewals:

- The Brierly Inn, for Glendale Road from Cultus Bay Road to Holst Road
- South Whidbey Bicycle Club, for Wilkinson Road – the closed off slide area;
- PBR Associates, Inc. – renewal, for Ault Field Road from Highway 20 to Goldie Road; Goldie Road from Ault Field Road to City Limits of Oak Harbor
- W. A. Stipe d/b/a Glynneden Gardens – renewal, for Smugglers Cove Road from Highway 525 to one mile south of vicinity of Eagle Bluff Road.

HEARING SCHEDULED: ORDINANCE #C-36-00 [PLG-09-00]
TECHNICAL CORRECTIONS TO ZONING MAPS

By unanimous motion, the Board scheduled a public hearing on Ordinance #C-36-00 [PLG-09-00] in the matter of Technical corrections to Zoning Maps (including Oak Harbor Interlocal maps) for April 24, 2000 at 2:45 p.m.
[Ordinance C-36-00 introduced and set for hearing, GMA doc. #5637]

HEARING HELD: ORDINANCE #C-18-00 [PLG-004-00] TECHNICAL
AMENDMENTS TO THE ISLAND COUNTY SHORELINE MASTER
PROGRAM, CHAPTER 16.21 ICC AND CHAPTER 17.05 ICC

At 10:45 a.m. as scheduled and advertised, a public hearing was held on Ordinance #C18-00 [PLG-004-00], continued from 3/13/00, in the matter of Technical Amendments to the Island County Shoreline Master Program, Chapter 16.21 ICC and Chapter 17.05 ICC.

Attendance: Public: None
Staff: Phil Bakke, Planning Director; Jeff Tate, Planning Manager

Hand-outs:
February 28, 2000 Memorandum from Jeff Tate, with list of proposed technical corrections GMA doc. # 5635

Correspondence Received

3/12/00 Steve Erickson, WEAN, indicating ICC 17.05.200 10. (p. 3-78) appears to suffer from the same defects as the provisions allowing reduction of marine fish and wildlife habitat conservation area buffers which have now twice been found to violate the Growth Management Act. [GMA doc. #5636]

Mr. Bakke provided opening comments and brief summary. On September 28, 1998, the Board of Island County Commissioners adopted the Island County Shoreline Master Program, forwarding same to the Department of Ecology for review and approval. DOE and County staff have met a number of times to discuss various components to ensure consistency with the Shoreline Management Act. Amendments presented to the Board are technical in nature and not intended to substantively change the meaning or intent of the adopted goals, policies and implementing regulations.

With regard to the memorandum from WEAN, Mr. Tate has spoken to Steve Erickson, One of the amendments proposed is to move the shoreline setback language from the zoning ordinance back into the Shoreline Master Program. Mr. Erickson indicated to Mr. Tate he did not necessarily agree with the numbers and Mr. Tate explained that at this time the desire is to get the language in the SMP and deal with substance of the language, numbers and how to reduce setbacks, under substantial amendments yet to be prepared and presented.

Mr. Tate then reviewed the list of proposed technical changes before the Board today, highlighting about ten:

1. **Page 3-5, line 10:** The word “instability” should be changed to “unstable.”
2. **Page 3-9, line 10:** The word “planned” should be deleted.
3. **Page 3-12, line 19:** A reference to the SMA and its implementing rules should be added. “Base all official actions relating to shoreline permits upon the goals, policies, environment designations, use allocations, and performance standards contained within the adopted Master Program and the Shoreline Management Act and its implementing regulations”.
4. **Page 3-13, line 12:** Delete the word “for” and replace the word “exemptions” with the word “allowances” so as to eliminate the confusion with projects that qualify as exemptions from a Shoreline Development Permit.
5. **Page 3-14, line 19:** Change the code reference from “16.02 ICC” to “11.02 ICC”
6. **Page 3-18, lines 8-9:** Change “Areas in which each lot size provides at least 165-foot of shoreline frontage for each lot” to “Areas in which each lot has at least 165 feet of shoreline frontage.”
7. **Page 3-20, line 21:** Change “The Aquatic-Conservation Environment” to “The Aquatic-Conservancy Environment”.
8. **Page 3-21, line 16:** Same as previous
9. **Page 3-26, line 13:** Aquaculture developments require a Conditional Use Permit as well as a Substantial Development Permit. “These applicants may seek an alternative site outside of established districts on a site-specific basis requiring a Shoreline Substantial Development Permit and Conditional Use Permit, providing the site meets all the requirements of the Island County SMP.”
10. **Page 3-28, lines 19-20:** The phrase “Conditional approvals of substantial development permits shall be made only upon clear finding...” to “Conditional Use Permits shall be approved only upon clear finding...”
11. **Page 3-31, line 19:** Change policy #4 from “Residential development over water will be discouraged” to “Residential development over water should be prohibited.” Residential development is not allowed in the Aquatic designation and setbacks are established requiring residential development to be placed away from the ordinary high water mark. Additionally, marinas are allowed and are addressed under a different section.
12. **Page 3-32, line 6:** Change policy #10 from “Subdivisions should be designed in a manner to avoid the need for bulkheads or other types of shore defense works” to “All shoreline residential development, including subdivisions, should be designed in a manner to avoid the need for bulkheads or other types of shore defense work.”
13. **Page 3-32, lines 14-18:** Move policies #3 and #4 from section J – Water-Related Industry to section I – Utilities. In policies #3 and #4, change the phrase “water-related industry” to “water-dependent industry”.
14. **Page 3-32, line 19:** Change the title of section J from “Water-Related Industry” to “Water-Dependent Industry”.
15. **Page 3-33, line 4:** Change the title of section K from “Shore Defense Works” to “Shoreline Stabilization”. This is the term used in the use requirements of the regulations.
16. **Page 3-34, line 10:** Combine section O – Shoreline Protection (page 3-37) with section K – Shoreline Stabilization.
17. **Page 3-35, line 3:** Pull out the reference “designated by the Department of Ecology Coastal Zone Atlas”. The Coastal Zone Atlas is at a very large scale which should not be used as the only means to classify a feeder bluff. Additionally, the Atlas clearly states that it should not be used for regulatory purposes and that site specific verification is necessary for all applications. Leaving this reference can impact property owners in two ways (1) those that are not classified as marine feeder bluffs but actually are, and (2) those that are classified as feeder bluffs but in actuality are not. Marine feeder bluffs deserve protection standards but the Coastal Zone Atlas should only be used as a preliminary measure to identify feeder bluffs with site specific investigations being the ultimate determinant.

18. **Page 3-41, lines 7-14:** Change code numbers so that section 16.21.030 is not skipped over.
19. **Page 3-42 through 3-44:** Change code section numbers to be consistent with the table of contents so that section 16.21.050 is not skipped over.
20. **Page 3-43, line 17:** Add an “s” to the word Shoreline
21. **Page 3-44, line 4:** Change RCW reference from “RCW 90.58.21o” to “RCW 90.58.210”. Change WAC reference from “WAC 173-27” to “Chapter 173-27-WAC”.
22. **Page 3-45, line 6:** Add “(Uncodified Use Regulations)”
23. **Page 3-45 through remainder of code:** Change numbering to increments of .10 rather than .05.
24. **Page 3-45, line 11:** Delete the title of 17.05.030 “RELATIONSHIP TO OTHER LAND USE REGULATIONS” and replace with “EXEMPTIONS FROM THE SUBSTANTIAL DEVELOPMENT PERMIT.” This title would then be consistent with that which is in the code on page 3-55.
25. **Page 3-45, line 12:** Delete the title of 17.05.035 “PERMITTED USES” and replace with “SHORELINE USE CLASSIFICATION.” This title would then be consistent with that which is in the code on page 3-59.
26. **Page 3-45, line 20:** Delete the title of 17.05.120 “SHORE DEFENSE WORKS” and replace with “SHORELINE STABILIZATION.” This title would then be consistent with that which is in the code on page 3-86.
27. The numbering convention is not consistent with the other chapters in the code. All of Chapter 17.05 ICC is proposed to be revised so that the coding standard is consistent.
28. **Page 3-46, lines 6, 13 and 14:** References to RCW should be changed from “RCW 90.58” to “Chapter 90.58 RCW”. This correction is necessary throughout the entire code and therefore will be necessary to change wherever this reference is made.
29. **Page 3-46, line 18:** Add the statement “Accessory structures are not to be confused with appurtenant structures that are listed as exemptions in this SMP and the SMA.” Not all accessory structures are appurtenant structures, i.e. guest house.
30. **Page 3-47, line 21:** An “s” should be added to the word “abut” and the word “are” should be changed to “is”.
31. **Page 3-49, line 5:** The word “Management” should be deleted.
32. **Page 3-49, line 15:** The phrase “(if specified)” should be removed. All shorelines must and do have a shoreline environment designation.
33. **Page 3-51, line 1:** The word “Management” should be deleted and/or replaced with “Master”. The proper title of the Master Program is the Island County Shoreline Master Program.
34. **Page 3-52, Subsection 17.05.050.B.1:** This statement is inconsistent with WAC 173-27-060 and should be changed to “The policies and provisions of Chapter 90.58 RCW and this master program shall be applied to federal lands and agencies in a manner consistent with WAC 173-27-060 (1) and (3).” There is specific reference in WAC 173-27-060 regarding the applicability of SMA regulations to federal lands and agencies.
35. **Page 3-54, line 13:** Change code reference so that it refers to correct section.
36. **Page 3-56, line 10:** Change code reference so that it refers to correct section.
37. **Pages 3-56 through 57, Subsection C and C.1-3:** Change definition of normal appurtenance to the same as that

which is in the WAC and list the additional appurtenances as subsections of the definition. Subsection 1 should be included in section C as part of the description of “normal appurtenances”. This is the same as that which is listed in the WAC. Subsection 2 should be removed. This is listed in WAC 173-27-040(2)(a) and can not be changed by local government. It is also already referenced in subsection b.1 of this section (page 3-57, lines 9-12). Local government is not permitted to modify the exemptions listed in the WAC, they can, however, add uses to the list of appurtenances that are listed in WAC 173-27-040(2)(g). Therefore, the WAC language that references normal appurtenances included word for word with additions added to the end.

38. **Page 3-56, line 19:** The reference to section “17.05.100 (18)” should be changed to “17.05.100 (B)(19)”. Section 18 does not exist.
39. **Page 3-57, line 1:** Delete the word “still”
40. **Page 3-58 through 3-60, Shoreline Use Classification Table, 17.05.070:** All reference to the previous SMP must be removed (get rid of C/C and just have C)
41. **Page 3-61, lines 12-14:** Clarify this statement so that it does not appear that the intent is to list all parcels in all RAIDs as Shoreline Residential. While the majority of parcels within RAIDs are designated as Shoreline Residential, there are circumstances where the environment designation within a RAID is something other than Shoreline Residential.
42. **Page 3-61 through 3-62, section 6:** Add a definition of Aquatic Conservancy. This definition is the same one that is in the current Master Program.
43. **Page 3-62, line 14:** The comma following “Significance” should be deleted.
44. **Page 3-62, line 19:** Remove the word “with”.
45. **Page 3-63, line 9:** The word “or” should be added in between the words “displacement that”.
46. **Page 3-64, line 12:** The following phrase should be added to the end of the sentence : “and/or are proposed in the future.”
47. **Page 3-64, lines 21-22:** Subsection 17.05.050(b)(5) should be changed from “Watering areas for livestock adjacent to lakes may be permitted provided that:” to “Watering areas for livestock adjacent to SMA regulated lakes (WAC 173-20-320), SMA regulated streams (WAC 173-18-190) and shoreline associated wetlands may be permitted provided that:”
48. **Page 3-65, line 10:** The reference to the “Washington State Department of Fisheries” should be changed to “Washington State Department of Fish and Wildlife”. The same change is required in several portions of the 17.05.
49. **Page 3-67, line 18:** The word “of” should be inserted after the word “Department”.
50. **Page 3-70, line 22:** Change code reference so that it references the correct section.
51. **Page 3-74, line 10-11:** Chapter 11.01 is Land Use Standards while Chapter 11.02 is Clearing and Grading.
52. **Page 3-78, line 1:** Change reference to Chapter 17.04 ICC to Chapter 17.02 ICC. Chapter 17.04 ICC does not exist.
53. **Page 3-78, line 5:** Move the shoreline setback portion of the code from Chapter 17.03 ICC back to Chapter 17.05 ICC.
54. **Page 3-79, line 15:** At the end of Use Requirement #14, the explanation of residence should include the words “or detached” before “guest cottages”. It would not make sense to prohibit additions to primary residences that would be

seaward of the applicable shoreline setback but allow it to occur on secondary residences/guest cottages.

55. **Page 3-81, line 15:** The word “operates” should be changed to “operated”
56. **Page 3-81, line 20:** The statement “Best Management Practices shall be used in the storage and handling of flammable, explosive and hazardous materials in industrial and port facilities” should be added to this Use Requirement.
57. **Page 3-83, line 13:** Create a new section 4. The current section C references jetties and groins while the subsections refer to all shore defense works. Shore defense works include bulkheads, dikes, breakwaters as well as jetties and groins.
58. **Page 3-84, line 1:** Delete reference to the Department of Ecology Coastal Zone Atlas.
59. **Page 3-86, lines 7-8:** The phrase “demonstration of the technical evidence required to indicated the need for the bulkhead consistent with the requirements of this section” should be replaced with “technical evidence indicating the need for the bulkhead consistent with the requirements of this section”
60. **Page 3-87, line 3:** The word riprap should be deleted. Riprap is not always a preferred design over vertical wall construction.
61. **Page 3-89, lines 12-14:** This statement is awkward and should be reworded. The statement should be changed from “Utilities located in flood prone areas shall be provided adequate flood protection and shall not be so installed so as to increase flood hazard or other damage to life or property” to “Utilities located in flood prone areas shall be provided adequate flood protection and shall be installed so as not to increase flood hazard or other damage to life or property.”
62. **Page 3-90, line 3:** The skull and crossbones should be pulled out and the units “feet” should be added.

DISCUSSION

With regard to Change 42, consensus of the Board was that since the new term introduced here “aquatic environment” is not defined and the term, it should be changed to Aquatic Designation, which is a defined term [page 3-62].

Proposed change #47 relates to a list in the SMA of regulated lakes and streams; there are no SMA regulated streams in the County but there are 7 SMA regulated lakes. This change makes it clear those are the lakes the master program is limited to having jurisdiction over. After discussion with Mr. Tate consensus was that #4 on page 3-64 at lines 21 and 22 read as follows:

4. Watering areas for livestock adjacent to SMA regulated lakes (WAC 173-20-320 and SMA regulated streams (WAC 173-18-190) may be permitted provided that:

Change #60 deletes “riprap” because it is not always the desired alternative. Commissioners discussed this issue with Mr. Tate and Mr. Bakke, and concurred that a lot of the time while it may be preferred, to make a blanket statement that riprap is always preferred over concrete is not correct. Bulkheads need to be designed based upon conditions that exist in a particular location, for example while West Beach may be appropriate, Holmes Harbor may be entirely different.

There are some substantive issues involved with this particular proposed change and the Board wanted the topic brought up at another time for further discussion. Delete from this proposal and staff work on the language to be considered as a substantive change in a subsequent proposal.

ACTION:

Commissioner Shelton moved adoption of Ordinance #C-18-00, PLG-004-00, in the matter of technical amendments to the Island County Shoreline Master Program, Chapter 16.21 ICC and Chapter 17.056 ICC, with changes #1 through #62 as presented by Mr. Bakke and Mr. Tate, subject to changes to #42 and #47 as follows, and not

considering change #60:

Change 42. "aquatic environment" changed to the defined term "Aquatic designation".

Change #47 Item #4 on page 3-64 at lines 21 and 22 read as follows:

#4. Watering areas for livestock adjacent to SMA regulated lakes (WAC 173-20-320 and SMA regulated streams (WAC 173-18-190) may be permitted provided that:

Motion, seconded by Commissioner Thorn, carried unanimously. [GMA doc. # _____]

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

IN THE MATTER OF TECHNICAL)
AMENDMENTS TO THE ISLAND COUNTY) ORDINANCE C- 18 -00
SHORELINE MASTER PROGRAM,) PLG-004-00
CHAPTER 16.21 ICC AND CHAPTER 17.05)
ICC.)

WHEREAS, on September 29, 1998 the Board of Island County Commissioners adopted Resolution C-124-98 pertaining to the Island County Shoreline Master Program; and

WHEREAS, pursuant to RCW 90.58.090, Island County is required to submit Shoreline Master Program amendments to the Department of Ecology for review and approval; and

WHEREAS, pursuant to WAC 173-26-110, on January 13, 1999, Island County transmitted the adopted Shoreline Master Program to the Department of Ecology (DOE) for its review; and

WHEREAS, in 1998, the County completed environmental review under Chapter 41.21C RCW, SEPA, on its Comp Plan and Development Regulations including the Shoreline Master Program; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to the Island County Shoreline Master Program 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; and

WHEREAS, following DOE review, it has been determined that technical amendments to the Island County Shoreline Master Program are needed; and

WHEREAS, any substantive changes to the Island County Shoreline Master Program will be considered by separate ordinance; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the technical amendments to the Island County Shoreline Master Program attached hereto as Exhibit A. Material underlined is added and material lined through is deleted from Resolution C-124-98 adopted September 29,1998. Chapter 16.20A ICC is superseded by Chapter 16.21 ICC herein. These amendments are to take effect following adoption of substantive amendments and approved by DOE.

Reviewed this 28th day of February, 2000 and set for public hearing at 10:45 a.m. on the 13th day of March, 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 00-126

APPROVED as amended at hearing on 4/3/00, AND ADOPTED this 3rd day of April, 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

APPROVED AS TO FORM:

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

[Note: Exhibits to Ordinance #C-18-00 on file with the Clerk of the Board]

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There being no further business to come before the Board at this time, the meeting adjourned at 11:30 a.m.. Next Regular Session is scheduled for April 10, 2000 at 9:30 a.m. [Special Session scheduled for April 5, 2000 at 3:30 p.m.]

**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