

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 26, 2007 REGULAR SESSION**

The Board of Island County Commissioners convened in Regular Session, at 11:00 a.m. on February 26, 2007 for a Roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room (Room #102B), Annex Building, 1 NE 6th Street, Coupeville, Wa. Other topics for the regular session followed at 1:30 p.m. as outlined on the agenda. Mike Shelton, Chairman, Wm. L. McDowell, Member, and John Dean, Member, were present.

**ROUNDTABLE WITH ISLAND COUNTY
ELECTED OFFICIALS AND APPOINTED DEPARTMENT HEADS**

Elected Officials and Appointed Department Heads Attending:

Phil Bakke	Greg Banks	Robert Bishop	Mark Brown	Cathy Caryl
John Dean	Betty Kemp	Larry Larson	Betty Kemp	Elaine Marlow
Dave Mattens	Tim McDonald	Mac McDowell	Don Meehan	Mike Merringer
Bill Oakes	Mike Shelton	Dan Sherk	Suzanne Sinclair	Linda Riffe

Others:

Justin Burnett, Whidbey Examiner
Diane Kendy

Storing & Managing of Sensitive Identify Information

Redacting Policy

The group discussed potential development of a County-wide redacting policy. Suggestions:

- Find an easy way, with guidance from County Records Manager, to access a process whereby someone can request redaction of personal information [i.e. name, social security number, birthdate, etc.]
- Research what other Washington counties are doing, as well as the State, and develop a policy that combines all applicable laws into one useable document to follow County-wide
- Look at a model redaction policy and see if there is some type of a check list the County could review.

Follow-up:

- Auditor will draft a redaction policy for review
- Prosecutor will schedule a training session to update department record officers on the Public Records Act.

Disk wiping

For basic computers, Central Services physically destructs the hard drive. For laptops, if the laptop is being moved within a department the e-mail is taken off that particular laptop; if the laptop is being moved to another department, the hard drive is formatted and rebuilt.

Suggestions & follow-up:

- Discuss with Technology committee about thumb drives, blackberries, etc.
- Policy needed on privately owned jump drives and blackberries that contain county data (not discontinue but provide policy on users of those)
- Central Services update existing policy [dealing with floppy drives].

Lap Top security

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Concern is how much information on a laptop would accumulate over time, and if lost, would that employee/department have knowledge of what was lost. There is no "County-wide" procedure about what employees are allowed to take home; rather, it is decided on a departmental basis. The more "gates" the better [password security] but laptops are vulnerable.

Suggestions & Follow-up:

- consider the possibility of bringing laptops to Central Services to have data backed up on the server and carry only pertinent information an employee needs at the time
- discuss having some basic protocols as a written policy

Incident/Accident Reports L&I Claims

GSA reminds through Memo handed out today for departments to read and share with administrative and supervisory personnel, regarding Incident/Accident report procedures [pages 33 – 35 of Safety Manual] and labor & industrial insurance claim for worker injury [page 35 of Safety Manual]. Ms. Kemp will follow-up and add a place on the forms for Department Heads to sign.

Financial Services/HR Computer Software Committee Update

A demo is being arranged with vendor to come to Coupeville, available to departments and staff, probably scheduled the last week of March and throughout April. Demos will be phased which will allow attendance only at specific portions rather than attending the entire demo. Request that questions be turned in at the end of the demo in writing [at the end of the demo 5:00-6:00 p.m.].

Roundtable Discussion

Assessor. Assessor's Office welcomes a new employee at the front desk, hired as of Thursday, and pleased that the employee who has been out on medical leave has returned to work, half-time for the first month. The Department received Board approval for a full time temporary employee [not yet filled] to help with segregations back log. Board of Equalization hearings begin on March 13. Revaluations are about 20% complete. Snohomish County Assessor's Office found an error in one real property account, an account left off the tax roll after tax statements had been sent out. This will affect Island County with respect to two districts, Sno-Isle Library and Stanwood-Camano School District. In anticipation of the corrections, Island County's tax statements were not printed nor sent. The Island County Assessor and Snohomish County Assessor are trying to prepare a joint news release.

Auditor. Will be a special election in May – Stanwood-Camano Fire District. The Office has an opening for a degreed accountant. Contract signed for Eagle Recorder which will allow electronic recording and auto-indexing (an upgrade to the current system) starting probably in May. Draft policy handed out prepared to update the travel expense reimbursement policy allowing per diem reimbursement for travel expenses, discussed with the Board at Wednesday's Staff Session. Auditor would like to receive comments on the draft in the next week to ten days.

Central Services. Sixteen applications for position within department received; will begin interviewing next week.

Commissioners. Commissioner Dean held open houses on North Whidbey and Camano. He has received e-mails from people asking about various issues ranging from recycling to speed limits. Found that the turn-around response time from County staff has been exceptional. Suggestion received from Judy Feldman in an effort to make the Courthouse more approachable and comfortable to consider holding a "conversation cafe", a concept where folks come to the steps of the Courthouse with a brown bag lunch from Noon to 12:30, and staff would come out and participate. Commissioner Dean is interested in feedback about this idea.

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Human Resources. Reminder: February 28th at 2:00 p.m. H. R. will be holding a class on performance evaluations.

Juvenile Court Services. Interviewing for a vacant position in Juvenile Court Services. Legislation to split the combined Island County and San Juan County Superior Court into separate judicial districts is moving through the House and Senate without any real challenges right now.

Prosecutor. Prosecutor's Office now fully staffed. One of the big issues with hiring and retaining deputy prosecuting attorneys is salary. Spam blocking is an issue – the spam filter set at a higher level and there is concern about not getting legitimate e-mails. Suggestions: instead of going back to receiving an overwhelming amount of spam, the Technology Committee should take close look at this and bring back something to this group. Solution should be based on overall policy of department heads – make sure of a decision before implementing solutions

Sheriff. May 15th is Law Enforcement Memorial Day, this year significant in that it is the 20th anniversary when two Island County deputies were killed. A memorial event will be planned on that day and the Sheriff will prepare a proclamation in observation of that day and have flags flown at half-mast. A November event is also in the planning stages. Community involvement meetings will be held at each Sheriff's precinct, the first scheduled for March 1, Heller Road Fire Station 7:00 p.m. Meetings at other precincts will be scheduled later, as well as meetings internally as an agency.

Treasurer. Holding the 2007 tax statements, and temporarily suspended the Island County on-line tax system for payment of 2007 tax bills until Island County is confident that tax calculations are correct or Island County receives correct levy amounts from Snohomish County. Reminder to Departments: please provide financial projections for any large capital outlays anticipated this year in order for the Treasurer to estimate cash flow needed this summer.

WSU Extension Services. Lyceum 2007 series of lectures [hand-out] "Turning Up the Heat: Global Warming and Puget Sound" 6:00 p.m. Tuesdays April 3 – May 8, 2007, Bayview Cash Store, call 360-341-1884.

Roundtable adjourned 11:55 a.m. Next Roundtable: March 26, 2006 @ 11:00 a.m.

The Board of Island County Commissioners (including Diking Improvement District #4) met at 1:30 p.m.. considering items as listed on the agenda. The meeting opened with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes of previous meetings: February 6, 2007 Special Session; February 12, 2007 Regular Session; February 23, 2007 Special Session.

PAYROLL, COMBINED EXCISE TAX RETURN AND VOUCHERS/PAYMENT OF BILLS

By unanimous motion the Board approved the payroll dated February 15, 2007, the Combined Excise Tax Return for January, 2007, and the following vouchers/warrants:

Voucher (War.) #256661-257056\$454,545.31, excluding with Solid Waste voucher #4500100 in the amount of \$10,461.78 for Hellard Construction.

**HEARING SCHEDULED: RESOLUTION #C-15-07 AUTHORIZATION TO
CONDUCT COUNTY ELECTIONS ENTIRELY BY MAIL BALLOT**

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By unanimous motion, as presented by Suzanne Sinclair, Island County Auditor, the Board scheduled a Public Hearing for March 19, 2007 at 10:45 a.m. to consider Resolution #C-15-07 Authorization to Conduct County Elections Entirely by Mail Ballot.

APPOINTMENTS TO VARIOUS BOARDS/COMMITTEES

The Board, by unanimous motion, made the following appointments:

Board of Equalization

Mary Erickson, Coupeville, temporarily filling a vacancy in one of two positions designated as alternate, with the limited appointment term expiring February 26, 2008

Island County Affordable Housing Advisory Committee

Debbie Torget, Langley, refilling position previously held by Linda Moore, for an existing term to expire June 16, 2007.

**RESOLUTION #C-16-07 PROCLAIMING THE MONTH OF MARCH 2007, WOMEN'S
HISTORY MONTH IN ISLAND COUNTY, WASHINGTON**

By unanimous motion, the Board adopted Resolution #C-16-07 Proclaiming the month of March 2007, Women's History Month in Island County, Washington. The Washington State Association of Counties Board of Directors on February 2, 2007 endorsed a proclamation for consideration by all counties designating March, 2007 as Women's History Month in each county. *[Resolution on file with the Clerk of the Board]*

STAFF SESSION SCHEDULE FOR MARCH, 2007

By unanimous motion the Board approved the March Staff Session Schedule for regular staff sessions to be held on March 7 and 21, beginning at 9:00 a.m.

**HEARING SCHEDULED: RESOLUTION #C-17-07 CHANGING NAME OF ISLAND
COUNTY GOSS LAKE WOODS TO ISLAND COUNTY PUTNEY WOODS**

The Board by unanimous motion scheduled a public hearing to consider Resolution #C-17-07 Changing Name of Island County Goss Lake Woods to Island County Putney Woods, on March 26, 2007 at 1:50 p.m.

**RESOLUTIONS #C-18-07 AND #C-19-07 HEARINGS SCHEDULED TO CONSIDER BUDGET
AMENDMENTS**

As presented by Elaine Marlow, Budget Director, the Board scheduled a public hearing for March 19, 2007 at 9:45 a.m. to consider Resolution #C-18-07 Amending the 2006 Island County Budget and Resolution #C-19-07 Amending the 2007 Island County Budget.

**CONTRACTS APPROVED FOR PROJECTS/ACTIVITIES FUNDED BY 2% TAX
REVENUES FOR 2007 PROGRAM YEAR**

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By unanimous motion, the Board approved contracts for approved projects/activities funded by 2% Tax Revenues for 2007 program year:

- Camano Island Chamber of Commerce, Inc. RM-BOCC-07-0021
Visitor Information Center/Tourism Marketing & Fulfillment Program \$13,756.00
- Greater Oak Harbor Chamber of Commerce RM-BOCC-07-0019
Tourism Marketing & Development for Island County \$15,695.00
- Penn Cove Water Festival Association RM-BOCC-07-0014
Penn Cove Water Festival Marketing Project-2007 \$1,939.00

**HEARING SCHEDULED: RESOLUTION #C-20-07/SW-01-07 SETTING
PUBLIC HEARING- ADOPTION OF 3-YEAR SOLID WASTE/SEPTAGE
RATES**

By unanimous motion, the Board scheduled Resolution #C-20-07/SW-01-07 In the Matter of Setting a Public Hearing for Adoption of 3-year Solid Waste/Septage Rates for March 12, 2007 at 10:15 a.m.

**RESOLUTION #C-21-07 COMMITTING TO REPAY FUNDS BORROWED FROM THE
WASHINGTON STATE WATER POLLUTION CONTROL REVOLVING FUNDS AND
TO CONTINUE TO FUND A WATER QUALITY ASSISTANCE FUND LOAN PROGRAM
TO PROVIDE LOW INTEREST LOANS FOR THE REPAIR OF FAILING ON-SITE
SEWAGE SYSTEMS**

By unanimous motion, the Board approved Resolution #C-21-07 (Board of Health Resolution #HD-17-07) Committing to Repay Funds Borrowed From the Washington State Water Pollution Control Revolving Funds and to Continue to Fund a Water Quality Assistance Fund (W.Q.A.F.) Loan Program to Provide Low Interest Loans for the Repair of Failing On-Site Sewage Systems. *[Resolution on file with the Clerk of the Board]*

HEALTH CONTRACTS APPROVED

By unanimous motion, the Board approved the following Health Department contracts, transmitted to the Board under cover memorandum dated February 21, 2007 from Tim L. McDonald, Health Services Director:

Contract #HD-08-07 (RM-HLTH-02-0073) with Compass Health to provide a mental health practitioner to provide the mental health component of the MSS/ICM program, in the amount of \$14,000

Amendment #1 to contract NSMHA-ISLAND-JAIL SERVICES-06-07 (RM-HLTH-06-0099) with North Sound Mental Health Administration for Mental Health/Jail Services; carryover of funding from the previous contract. Contract \$56,015; Amendment Amount: \$18,515

Contract #0563-75723-02 (RM-HLTH-98-0021) with Washington State DSHS for Medicaid Administrative Match, delineating administrative fee not to exceed 3%. Contract \$100,000; Amendment Amount: \$ -0-

Amendment No. 1 Contract #0663-00071 (RM-HLTH-03-0008) with Washington State DSHS for Alternative Response System Services (ARS) and Early Intervention Program (EIP), continuing funding at current level of service. Contract \$26,814; Amendment No. \$13,407

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Contract #HD-06-07 (RM-HLTH-05-0011) with Bess Windecker Nelson, PhD for Parent Education Program, consultation and representation for the Island County Family Support Alliance; \$8,800

Contract #G0600084 (RM-HLTH-02-0018) Amendment No. 3 with Washington State Department of Ecology for additional funding for Phase 4 Implementation Phase of watershed planning process. Contract \$125,618; Amendment Amount: \$39,931

Contract #G0600313 Amendment No. 2 (RM-HLTH-06-74) with Washington State Department of Ecology funding two additional groundwater monitoring well installations and low impact development workshops. Contract \$237,000; Amendment Amount: \$87,000

**RIGHT OF WAY OCCUPANCY AGREEMENTS BETWEEN HEALTH DEPARTMENT
AND PUBLIC WORKS FOR CONSTRUCTION OF RESOURCE PROTECTION WELLS
IN THE FOLLOWING COUNTY ROAD RIGHTS-OF-WAY**

The following Right of Way Occupancy Agreements between the Island County Health Department and Island County Public Works for construction of resource protection wells in the following County road rights-of-way were approved by unanimous motion of the Board:

- Olympic View Drive; Contract #HD-09-07; Contract Amount: \$ -0- (RM-HLTH-07-0004)
- Reindeer Road; Contract #HD-10-07; Contract Amount: \$ -0- (RM-HLTH-07-0004)
- James Way; Contract #HD-11-07; Contract Amount: \$ -0- (RM-HLTH-07-0004)
- Admiral Drive; Contract #HD-12-07; Contract Amount: \$ -0- (RM-HLTH-07-0004)
- Stillaguamish Avenue; Contract #HD-13-07; Contract Amount: \$ -0- (RM-HLTH-07-0004)
- San Juan Street; Contract #HD-14-07; Contract Amount: \$ -0- (RM-HLTH-07-0004)
- Darvic Place; Contract #HD-15-07; Contract Amount: \$ -0- (RM-HLTH-07-0004)

LIQUOR LICENSE APPLICATIONS APPROVED

Based on receipt of recommendations of approval from County Departments/Offices reviewing liquor license applications, the Board by unanimous motion approved forwarding a recommendation of approval to the Washington State Liquor Control Board on the following three applications:

- Special Occasion Liquor License #091224 by Camano Island Yacht Club for a special occasion to be held March 17, 2007 from 5:30 p.m. to 9:00 p.m. at the Camano Island Yacht Club, 129 N. Sunset Drive, Camano Island, WA
- New Application for Liquor License #4000010-6E by Fishtalk Vineyards, LLC, 5071 S. Bercot Road, Freeland, Wa.
- Special Occasion Liquor License #092672 by Whidbey Island Waldorf School, for a special occasion to be held March 24, 2007 from 4:00 p.m. to 12:00 a.m., at Thomas Berry Hall, Whidbey Institute, 6449 Old Pietila Road, Clinton, WA.

**DISCUSS JOINT WRITTEN OPINION ON CURRENT ISSUES RELATING TO
THE ISLAND COUNTY FAIR**

Chairman Shelton presented to Commissioners McDowell and Dean his proposed "position paper" signed as Commissioner, District #1, regarding the Island County Fair, requesting their concurrence to approve and sign as a press release to local newspapers on Whidbey Island on behalf of the Board of

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County Commissioners. The position paper was reviewed by the County's legal counsel who approved the statements in relation to legalities as they believe them to exist.

Commissioner Dean's concern was public perception that the Board is comfortable with the status-quo and would be more comfortable if a sentence were added to the message acknowledging that the Board is watching the situation and do desire to intervene in an appropriate manner.

The Board agreed to take the matter towards the end of the meeting in order to provide each Commissioner an opportunity to read the message and consider what appropriate terminology might be added.

MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

Auditor

Suzanne Sinclair, Island County Auditor, submitted a copy of the Island County Auditor's written Revenue and Expenditure report for the period ending January 31, 2007. Ms. Sinclair reviewed revenues that appeared unusual for this time of year, and noted any expenditures that are higher because those are operating transfers.

Treasurer

Linda Riffe, Island County Treasurer, provided the written Island County Treasurer's Report for Cash Revenue/Budget - Current Expense, for the period ending January 31, 2007. An accompanying memorandum provided explanatory comments for specific line items.

[reports are on file with the Clerk of the Board]

PUBLIC INPUT OR COMMENTS

Larry Willman, Intergroup Development Corporation, Bellingham, addressed the Board on behalf of Jason Lenz, Lenz Enterprises, Inc. with regard to Rezone Request ZAA 074/06, a topic on today's Planning agenda. He brought forth some disparities on the record:

- The hearing before the Planning Commission was extended for additional public comment after the last public hearing, due largely to lack of adequate notification.
- Staff report is consistent with the staff attempt to skew the written record of the Planning Commission
- Staff cited a letter from a lay person and purposely omitted reference to Mr. Willman's letter of 7/25/06 describing why the Lenz property should be rezoned to Rural Village, and detailing point by point consistency with the rezone criteria. Staff refused to acknowledge that his letter was submitted during the extended public testimony, effectively ignoring a letter from land use professional representing clients and the property owners.
- The Planning Commission carefully deliberated the matter based on consistency of rezone criteria and concluded unanimously that the property satisfied the criteria for the rezone to Rural village.

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- Staff process has seemed dismissive of the property rights and somewhat discourteous; failed to follow adequate proper notice, and appears to be an attempt to derail the legislative process.
- The fear on the part of staff that some sort of potential retribution by way of petition to the Growth Management Hearings Board or hearsay that the decision of the Planning Commission was based on emotion and not adequately addressed from the land use perspective, Mr. Willman disagreed with, and asked that the Board not delay proceedings any longer on this matter.

**RESOLUTION #C-22-07/R-04-07 APPROVING SPECIFICATIONS & AUTHORIZING
CALL FOR BIDS FOR 2007 CULVERT SUPPLIES**

By unanimous motion, the Board approved Resolution #C-22-07/R-04-07 In the Matter of Approving Specifications & Authorizing Call for Bids for 2007 Culvert Supplies. *[Resolution on file with the Clerk of the Board]*

**RESOLUTION #C-23-07/R-05-07 APPROVING SPECIFICATIONS & AUTHORIZING
CALL FOR BIDS FOR ONE (1) NEW 2007 DUMP TRUCK CAB & CHASSIS.**

By unanimous motion, the Board approved Resolution #C-23-07/R-05-07 In the Matter of Approving Specifications & Authorizing Call for Bids for One (1) New 2007 Dump Truck Cab & Chassis. *[Resolution on file with the Clerk of the Board]*

**LOCAL AGENCY AGREEMENTS BETWEEN ISLAND COUNTY AND WASHINGTON
STATE DEPARTMENT OF TRANSPORTATION APPROVED**

By unanimous motion, based on recommendation of Bill Oakes, Public Works Director, the Board approved the following Local Agency Agreements between Island County and the Washington State Department of Transportation:

- Local Agency Agreement – PW-0720-10; Island County and Washington State Department of Transportation; Roadside Historic Markers; \$60,00.00 (Federal Funding)
- Local Agency Agreement – PW-0720-11; Island County and Washington State Department of Transportation; East Camano Drive Safety Improvements; \$500,000.00 (Federal Funding).

**AGREEMENT PW-0720-07 - WASHINGTON STATE DEPARTMENT OF LICENSING
INTERNET VEHICLE/VESSEL INFORMATION PROCESSING SYSTEM**

The Board by unanimous motion approved Agreement #PW-0720-07 between Island County and Washington State Department of Licensing, Internet Vehicle/Vessel Information Processing System (IVIPS).

PURCHASE ORDER #8253 AND #8254 – ALPINE PRODUCTS, INC.

Purchase Order No. 8253 & 8254 between Island County and Alpine Products, Inc. were approved by unanimous motion of the Board, to purchase of White and Yellow Waterborne Traffic Paint in the amount of \$150,926.88 (incl. SST) and Glass Beads for Waterborne Traffic Paint in the amount of \$34,597.96 (incl. SST) off state contract. *[ratification of action taken at 02/21/07 Staff Session necessary to take advantage of price]*

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**CONSULTANT AGREEMENT PW-0720-03 - AMBIA, INC. - NEW CAMANO ANNEX
PROGRAMMING AND COST ESTIMATING**

The Board by unanimous motion approved Consultant Agreement #PW-0720-03 between Island County and Ambia, Inc. for New Camano Annex Programming and Cost Estimating, in the amount of \$109,777.00 with completion date of June, 2007.

**RESOLUTION #C-24-07 EMPLOYING ATTORNEYS TO SERVE AS SPECIAL
COUNSEL FOR TIDAL ENERGY GENERATION ISSUES**

Resolution #C-24-07 In the Matter of the Board of Island County Commissioners Employing Attorneys to Serve as Special Counsel for Tidal Energy Generation Issues was approved by unanimous motion of the Board, the Resolution signed by Vickie I. Churchill, presiding Judge of Superior Court. *[Resolution on file with the Clerk of the Board]*

**AGREEMENT SW-07-003 - WASHINGTON STATE DEPARTMENT OF ECOLOGY;
OFFSET CYCLE COORDINATION PREVENTION GRANT – G0700178**

The Board by unanimous motion approved Agreement #SW-07-003 between Island County and Washington State Department of Ecology, Offset Cycle Coordination Prevention Grant – G0700178, in the amount of \$80,512.00 (State/\$60,384.00, County/\$20,128.00) for the period January 1, 2007 to December 31, 2008.

**SUPPLEMENTAL AGREEMENT NO. 5 #PW-9720-33(E) - ISLAND COUNTY TRAILS
COUNCIL**

The Board approved by unanimous motion Supplemental Agreement No. 5 – PW-9720-33(E) between Island County and Island County Trails Council; Change to Terms of Agreement, expiring March 9, 2009.

**AGREEMENT FOR PROFESSIONAL SERVICES WITH MICHAEL BOBBINK -
HEARING EXAMINER SERVICES**

As presented and recommended for approval by Phil Bakke, Planning & Community Development Director, the Board by unanimous motion approved Agreement for Professional Services with Michael Bobbink for provision of Hearing Examiner services to Island County, for a contract term of April 1, 2007 to March 31, 2010, in the amount of \$54,900 per year *[RM-PLAN-07-0016]*.

**RESOLUTION PLG-012-07 ADOPTING THE CAMANO ISLAND NON-POINT POLLUTION
PREVENTION PLAN**

On recommendation of Mr. Bakke, the Board agreed to pull from today's agenda the setting of a public hearing to consider Resolution #PLG-012-07 Adopting the Camano Island Non-Point Pollution Prevention Plan, in that one of the graphics in the Plan has not been provided in the Board's packet. The item will come back to the Board next Monday for purposes of scheduling for public hearing *[suggested date and time March 26 @ 6:00 p.m. on Camano Island- at a location to be determined]*.

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**ZONING AMENDMENT ZAA 475/05 HELEN SIMMONS - CHANGE ZONING
CLASSIFICATION OF A 9.82 ACRE PARCEL R33014-369-2330 FROM THE RURAL
SERVICE ZONE TO THE RURAL VILLAGE ZONE**

With regard to Zoning Amendment ZAA 475/05 by Helen Simmons proposing to change the zoning classification of a 9.82 acre parcel R33014-369-2330 from the Rural Service Zone to the Rural Village Zone, located on the south end of Camano Island, Mr. Bakke pulled the item from today's consideration, to be rescheduled at a subsequent date.

**ZONING AMENDMENT ZAA 047/06 LENZ ENTERPRISES IS PROPOSING TO CHANGE
THE ZONING CLASSIFICATION OF A 5.32 ACRE PARCEL R33228-448-4330 FROM THE
RURAL ZONE TO THE RURAL VILLAGE ZONE**

Zoning Amendment ZAA 047/06 by Lenz Enterprises was presented for the Board's consideration by Mr. Bakke, explaining that the proposal is to change the zoning classification of a 5.32 acre parcel R33228-448-4330 from the Rural Zone to the Rural Village Zone, located on Highway 532 on the north end of Camano Island. The recommendation of Planning & Community Development Department is that the Board schedule a public hearing to accept public testimony to consider the recommendation of the Island County Planning Commission to approve the application and the recommendation of the Department to deny the application.

The Board's packet [GMA # 9164] includes: a copy of the summary minutes from deliberations and hearings of the Island County Planning Commission; Planning Director's cover memo dated February 22, 2007 with a copy of a May 9, 2006 Transmittal & Report Memorandum from staff to the Planning Commission along with the October 10, 2006 Planning Commission Legislative Findings of Fact and Recommendation of Approval of the application for rezone from Rural to Rural village; and a February 20, 2007 letter from Jason Lenz, Lenz Enterprises, Inc. with attached letter of February 16, 2007, and a July 25, 2006 letter from Intergroup Development Corporation with exhibits.

Mr. Bakke's February 22nd letter asks the Board to exercise its authority under 36.70.440 RCW to schedule this matter for public hearing on Camano Island and consider all of the items in the record, along with staff reports. This is a rural area of more intensive development (RAID). At the time that the zoning was being done pursuant to the GMA the property did not have commercial development or commercial activity being conducted as of 1990. The County went through a Lands Analysis to come up with zoning boundaries for the commercial zones and all of the RAID areas in the County largely based on that GMA standard for establishing those RAIDS. Now that the property is being developed there tends to be a logical outer boundary argument, but in the Department's opinion, it still does not meet the original requirement of having had commercial development. Both the

Comprehensive Plan and GMA have restrictions on RAIDS; RAIDS are not expandable. The only mechanism to expand a RAID is to designate the RAID an urban growth area.

Commissioner Dean appreciated Mr. Willmn's earlier comments; however, did not think Camano Islanders would appreciate the Board making a decision today given their interest in Highway 532. He did not feel prepared to make a decision today.

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By unanimous motion, the Board scheduled a public hearing to accept public testimony regarding ZAA 047/06 on March 19, 2007 at 6:00 p.m. on Camano Island at a location to be announced.

**DISCUSS JOINT WRITTEN OPINION ON CURRENT ISSUES RELATING TO
THE ISLAND COUNTY FAIR**

The Board considered appropriate additional verbiage suggested by Commissioner Dean to be included in the previously referenced proposed press release regarding the Island County Fair. Language proposed by Commissioner Dean to be included in the second paragraph:

The Board of Island County Commissioners met on numerous occasions during 2006 with the Fair Board and the Langley officials trying to find a solution that would work for both parties. The Board is committed to resolving this issue amicably and continues to seek a solution that is palatable to the people of Langley, citizens of South Whidbey and the Fair Association, including the possibility of an election in accordance with County Code for the purpose of transferring ownership of fair property. Prior to making a final determination on the election, the Board believes it is necessary to get concurrence from both sides that they will accept the results of the election.

By unanimous motion, the Board approved the Press Release regarding the Island County Fair as revised in paragraph 2.

PRESS RELEASE
February 26, 2007

Subject: Island County Fair

The right-of-way issue between the City of Langley and the Island County Fair Association, a non-profit corporation, which is governed by the Fair Association Board of Directors (Fair Board), has received much attention from the press and public over the last few months. The issue arose when Langley requested, first of the County and then the Fair Board, the right to use a portion of the fairgrounds to construct a street to accommodate new development.

The Board of Island County Commissioners met on numerous occasions during 2006 with the Fair Board and the Langley officials trying to find a solution that would work for both parties. The Board is committed to resolving this issue amicably and continues to seek a solution that is palatable to the people of Langley, citizens of South Whidbey and the Fair Association, including the possibility of an election in accordance with County Code for the purpose of transferring ownership of fair property. Prior to making a final determination on the election, the Board believes it is necessary to get concurrence from both sides that they will accept the results of the election. Langley believes they can construct the road with little adverse influence on the operation of the fair. The Fair Board believes that they are so limited in space that to have a city street coming through the fairgrounds would impact their operations in a much more negative way than has been portrayed by the City. This disagreement has progressed to the point where it quite possibly might have to be settled by the courts in the condemnation case that was filed by the City.

As a result of this litigation the Fair Association has come under close scrutiny and many of its practices have been questioned. The status of the Fair Association as a public agency and hence subject to public records laws was first raised by the State Auditor. Two independent legal opinions from private attorneys hired by the Fair Association state that the Fair Association, Inc. is a private non-profit corporation and not a public agency subject to the public records laws. These opinions are consistent with the opinion of

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the County Prosecutor. The Fair Board has stated that they will comply with public records requests pertaining to the operation of the Island County Fair. The Board of County Commissioners applauds that decision. The Board of County Commissioners will ask the Fair Association to provide the County with all records regarding the operation of the Island County Fair for the last 7 years. Any records supplied to the County by the Fair become subject to public disclosure by a request made to the County.

Approximately twenty years ago, Margaret Waterman donated a ten acre property to the Island County Fair Association. It was not donated to the County and it has never been inventoried as part of County property. According to information provided by the family of Mrs. Waterman, the donation was to benefit the Fair Association. Besides running the Island County Fair, the Fair Association, Inc. conducts other private business activities, such as the Country Christmas Bazaar enabling them to provide scholarships to local young people. Because the Fair Association is not a public agency, the means which they used to dispose of the property is not subject to the same laws that govern the sale of public property.

The County code requires that the Fair Association deposit all fair receipts and donations into the County Fair Fund. Any monies produced from receipts and donations related to the production of the fair are deposited in this account and used to pay the associated fair expenses. The money from the sale of the Waterman property did not come from the production of the fair and is not required to be deposited in the County's account.

Island County does not contribute county tax revenue to the operation of the fair. Gate receipts and vendor rents constitute the majority of the revenue. The public money the fair receives comes through the Washington State Department of Agriculture and in 2006, \$36,000 was budgeted. Because the fairgrounds land is owned by Island County, we allocate money on an annual basis that is used to repair and update the buildings on the property. In 2007 we have identified \$30,000 for projects to be completed. This money is for capital improvements, and does not go toward the operation of the fair.

The Fair Association has one paid staff member on a year around basis. Other than some temporary hired help during the production of the fair, the entire operation is run by dedicated volunteers who spend countless hours to insure our community has a fair. As you are enjoying the Island County Fair never forget that it wouldn't happen unless these people were willing to do the work they do.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
Mike Shelton, Chairman
Wm. L. "Mac" McDowell, Member
John Dean, Member

There being no further business to come before the Board at this time, the meeting adjourned at 3:10 p.m. The Board will meet in Special Session this evening at 7:00 p.m., and the next regular session will be on March 5, 2007 beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 26, 2007 REGULAR SESSION**

Wm. L. McDowell, Member

John Dean, Member

ATTEST:

Elaine Marlow
Clerk of the Board