

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 11, 2008 – REGULAR SESSION**

The Board of Island County Commissioners met in Regular Session on February 11, 2008 beginning at 10:00 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. John Dean, Chairman, Phillip Bakke, Member, and William L. McDowell, Member were present. The meeting began with the Pledge of Allegiance.

EMPLOYEE AWARD PRESENTATIONS

EMPLOYEE SERVICE AWARDS

<u>Department</u>	<u>Employee</u>	<u>No Years</u>
Public Works	Christopher Sterba	15 Years

SPECIAL RECOGNITION

JACQUIE FREDRIKSEN AND CHRIS CURRIER – PUBLIC WORKS

Ms. Fredriksen and Mr. Currier were recommended for Special Recognition for working on the retrieval of equipment left in a pipe under Saratoga Road. They performed duties within the confined space area vital to the success of the endeavor. Once they completed the de-watering of the pipe it left a slimy, filthy environment in which to work. The area was small and cramped and they were crouched over inside. The air was constantly monitored for safety and although it checked out good slight headaches were experienced. Their cheerful, willing attitude was constant throughout the operation. There is no question that their above and beyond efforts at times 100 feet down inside the pipe had a direct impact on the level of success reached.

CONSENT AGENDA

By unanimous motion the Board approved the following items 1-25 of the Consent Agenda and items 28-31 of the Chairman’s Agenda with the exception of item 8, *Approve reappointment of Scott Yonkman to the Island County Planning Commission for a four year term to expire January 2, 2012*, pulled from the Consent Agenda to be considered at a future date:

ELECTRONIC FUND TRANSFERS, VOUCHERS AND PAYMENT OF BILLS

Vouchers (War) #s 280768 - 281014	\$253,316.97
Electronic Fund Transfers.....	\$ 19,014.28

**APPOINTMENTS AND REAPPOINTMENTS TO VARIOUS BOARDSAND
COMMITTEES**

Richard Soto – 2% Lodging Tax Advisory Committee

Richard Soto is appointed to serve as a member of the 2% Lodging Tax Advisory Committee for Island County representing a business subject to the tax.

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Alan Schell – Island County Planning Commission

Alan Schell, on the recommendation of Planning Commission Chair, Val Hillers, is reappointed to serve another term as a member of the Island County Planning Commission representing Commissioner District No. 2. The term of the reappointment shall run for four years, expiring January 2, 2012.

Resignations

Tom Chan as a member of the Keystone Ferry Advisory Board
Bill Attwater as a member of the Water Conservancy Board for Island County
Bill Attwater as a member of the Island County Water Resources Advisory Committee

Concurrence of Appointment

Rico Tessadore to the Sno-Isle Regional Library Board

GENERAL SERVICES ADMINISTRATION

Purchase Order #8596 IKON Office Solutions for purchase of Canon 3045 Copier. Amount: \$8,101.82, including freight and tax.

Interagency Agreement with Washington State Department of Agriculture for the Fairs Program. Contract provides funds for the re-roofing of the poultry barn at the Island County Fairground. Contract No. IA-08-60-01; Contract Amount \$15,000 (*RM-GSA-08-021*)

HUMAN RESOURCES

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Facilities	031/08	Night Custodian Temp	901.13	New Position	02/11/08
Public Works	032/08	SW Attendant I, .2 FTE	2248.18	Replacement Position	02/11/08
Health	033/08	PHC/Child Abuse Prevention Program .5 FTE	2408.12	New Position	02/11/08
	034/08	Department Assist.	2423.03	Personnel Action (Temporary Increase in Hours)	02/11/08
	035/08	WIC Clerk/Certifier	2424.00	Personnel Action (Temporary Increase in Hours)	02/11/08
Planning and Community Development	036/08	Planning Director	1700.01	Personnel Action (Salary Change)	02/11/08
Superior Court	037/08	Judge Pro Tem	2006.05	New Position	02/11/08
	038/08	Judge Pro Tem	2006.06	New Position	02/11/08

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Resolution C-08-08 In the Matter of Amending the Policy Regarding Reasonable Accommodation for Qualified Individuals with a Disability

Resolution C-09-08 Amendment of the Island County Policy Prohibiting Discrimination and Harassment in the Work Place

Resolution C-10-08 Resolution Adopting Revised Island County Personnel Policies and Procedures Manual Sections 2.01.030 (Vacation Leave), 2.01.044 (EEO Policy) & 2.01.045 (Implementation EEO)

JUVENILE COURT SERVICES

Program Agreement with Washington State Department of Social and Health Services Division of Community Programs for E3SHB 3900 Funds. DSHS Agreement No.: 0863-34180; Amount: \$61,762 (*RM-JUV-08-008*)

Program Agreement with Washington State Department of Social and Health Services Division of Community Programs for Disposition Alternative funds. DSHS Agreement No.: 0863-34156; Amount: fee for service (*RM-JUV-08-007*)

Program Agreement with Washington State Department of Social and Health Services Division of Community Programs for Consolidated Contract Services. DSHS Agreement No.: 0863-34163. Amount: fee for service up to \$279,817.17 (*RM-JUV-08-009*)

LIQUOR LICENSES

Special Occasion Liquor License No. 091224 by the Camano Island Yacht Club for a special occasion to be held March 15, 2008 from 5:30 p.m. to 9:00 p.m. at the Camano Yacht Club, 129 N. Sunset Dr., Camano Island, WA

Special Occasion Liquor License No. 092439 by the Boys & Girls Club of Coupeville for a special occasion to be held on March 15, 2008 from 5:30 p.m. to 8:30 p.m. at the Crockett Farm Barn, 1056 Crockett Farm Rd., Coupeville, WA

PLANNING AND COMMUNITY DEVELOPMENT

Amendment No.1 to Contract with Washington State Department of Fish & Wildlife for Island County Lead Entity Operational Grant 2007-09 providing funding for adding access to Habitat Work Schedule software and to support capacity building for project implementation. WDFW Contract No.: 07-1465; Amendment Amount: \$66,956 (*RM-PLAN-08-016*)

Hearing Scheduled - March 3, 2008 at 10:15 a.m.: OPS 379/07 Kristoferson Farm, LLC in the Commissioners Hearing Room, Coupeville, WA. Applicants are requesting that a total of 30.24 acres be transferred from Open Ag to the Open Timber current use program from Parcels R33230-180-0352, R33230-075-0682, R33231-519-0080 and R33231-461-1580 located in the north part of Camano Island, WA.

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PUBLIC HEALTH

Contract with Margaret E. Griswold – Registered Dietician Services. Provides continued funding to provide registered dietician services to WIC clients on Camano. Contract No. HD-41-07; Contract Amount: \$3,000 (RM-HLTH-04-092)

Contract with Island County Department of Social and Health Services Community Services Office – Mental Health/NSRSN Jail Transition Program. Funds establish a referral process for adults/juveniles in jail or detention with a mental illness. Contract No. HS-18-07-MOU; Contract Amount: \$ -0- (RM-HLTH-07-0144)

PUBLIC WORKS

Hearing Scheduled - March 10, 2008 at 10:15 a.m.: Franchise #345, Penn Cove Water and Sewer District (Sewer) in the Commissioners Hearing Room, Coupeville, WA

Hearing Scheduled - March 10, 2008 at 10:15 a.m.: Franchise #346, Penn Cove Water and Sewer District (Water) in the Commissioners Hearing Room, Coupeville, WA

Resolution C-11-08/R-01-08 In the Matter of Approving Specifications and Authorizing Call for Bids for Crushed Rock Supplies for 2008. (*Resolution on file with the Clerk of the Board*)

Agreement with Washington State Department of Transportation; Local Agency Federal Aid Project Prospectus; - STPE; Coupeville Connecting Trail – Segment #2; Work Order No. 374; Amount: \$126,000 (Construction). (PW-0820-18)

Agreement with Washington State Department of Transportation; Local Agency Agreement; Coupeville Connecting Trail – Segment #2; Amount: \$126,000 (WSDOT Funding). (PW-0820-17)

REGULAR AGENDA

ORDINANCE C-12-08/PLG-002-08 IN THE MATTER OF ADOPTING FINDINGS OF FACT FOR THE DESIGNATION OF FREELAND AS A NON-MUNICIPAL URBAN GROWTH AREA AND INCORPORATING THE FREELAND SUB AREA PLAN INTO THE ISLAND COUNTY COMPREHENSIVE PLAN

Jeff Tate, Director, Planning and Community Development presented to the Board Ordinance C-12-08/PLG-002-08 in the Matter of Adopting Findings of Fact for the Designation of Freeland as a Non-Municipal Urban Growth Area and Incorporating the Freeland Sub Area Plan into the Island County Comprehensive Plan.

Mr. Tate began by saying the Board took action December 10, 2007 on the Sub Area Plan and requested at that time that staff prepare Findings of Fact, including the legislative history related to the Sub Area planning process and covering statements and conclusions that the Board made at that proceeding. The Board also requested that staff develop a basic implementation plan related to the UGA designation of the Sub Area Plan. Following discussion of the initial draft the Board directed staff to contact the individuals working on the incorporation effort so as to learn from them how the incorporation effort is progressing. In the meantime the Board received a letter from Deborah Houseworth as did staff dated February 6, 2008. (*GMA No. 9776*) Based on that

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letter Mr. Tate presented the Board with a revised Finding No 8 should it wish to consider the issue raised by Ms. Houseworth. Staff modified one sentence in that finding; first paragraph, second sentence. The change attempts to address Ms. Houseworth's concern regarding legislating what occurs in the development regulations specifically at this time.

Chairman Dean asked if it appropriate to add: "The Board finds that these restrictions are better '*possibly*' placed in future development regulations." Commissioner McDowell replied that the development regulations will include zoning.

Commissioner McDowell inquired of Mr. Tate if he recommends any changes to the schedule based on conversations he might have had with those working on the incorporation effort. Mr. Tate responded that as a procedural matter, there has not been a public opportunity to comment on the Findings of Fact as of yet because the findings were scheduled as an ordinance, not as a public hearing. Regardless, the Board has the right and authority to allow comment.

The Chairman opened the floor to any comments from the assembly.

Mitchell Streicher, 5436 Pleasant View Lane, Freeland said the Chairman of the committee, Dean Enell, was not aware of today's presentation nor was anyone else on the committee.

Chet Ross, 562 S. Cameron Road, Freeland commented that he contacted several members of the committee but was unable to reach Mr. Streicher because he was out of town. He did, however, speak with those in attendance today with the exception of Lou Calzone. The committee has not had an opportunity to meet, discuss concerns, and prepare a formal response; any responses today are from individual as members of the committee and not from the committee as a whole.

Commissioner Bakke believes that one of the questions raised was along the lines of timing; that is, what plans were there for the incorporation group as they move forward. For the record, he asked Mr. Ross to talk about his conversation with Commissioner Bakke in that regard.

Mr. Ross said the incorporation committee is following the RCWs and the time frames therein. The incorporation committee has continued to meet on a regular basis but has not done much yet in the way of public outreach because the committee is waiting for the findings to first be adopted and the 60-day appeal period to run its course. Once that happens the committee is ready to begin moving forward with public outreach. Under the RCWs, if everything goes well, Mr. Ross believes the incorporation process will take about 6 months; problems could extend that time to as long as a year. With respect to codes and regulations the committee has not taken a formal stand yet but in general discussion, the intent is to adopt whatever codes and regulations the County adopts then fine-tune those as the committee saw fit later. Codes and regulations from other cities have been reviewed so the committee pretty much knows what is needed; it anticipates that the majority of the County's code regulations will be acceptable.

Commissioner Bakke asked Mr. Ross when researching other jurisdictions, was it standard practice for a newly formed city to incorporate or adopt by reference a County's jurisdictional regulations?

Mr. Ross said the committee is hoping to not reinvent the wheel in the incorporation process and it is following the advice of several other cities. Members have spoken with about 13-14 cities in that regard.

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Lou Malzone, 5428 Pleasant View Lane, Freeland mentioned his confusion and concern with Finding No. 8 as written but to that Commissioner Bakke pointed out the Board is proposing to remove that finding from the Planning Commission's recommendation.

He further asked the relationship between the policies and goals for low, medium, and high density in the Freeland Sub Area Plan and any concept about putting condominiums and apartments on a low density parcel.

Mr. Tate responded that when staff reviews and develops an initial draft of regulations, those regulations must be consistent with what the policy plan says. If the policy plan for low intensity or low density residential development precludes a certain type of development and favors another type instead, then the regulations will be drafted in at least its preliminary form to be consistent with that policy.

Mr. Malzone believes that the policy goals for low density housing on the parcel in question preclude apartments and condominiums. The policy also specifically blocks the desire for low density housing, single family residences, and is in direct conflict with the policies and goals for low density housing in the Freeland Sub Area Plan.

Mr. Streicher commented about the RCW he provided the Board which stated that an Urban Growth Area may include territory that is located outside the city only if such territory is already comprised by urban growth. Further, "even if adjacent territory is characterized by urban growth it still should not be included."

Mr. Tate responded that all the provisions established for urban growth areas in the RCW direct local jurisdictions to look at developed lands first, but clearly whether it is a non-municipal urban growth area or a municipal urban growth area, ultimately there needs to be capacity to provide enough land area for the population and in all urban growth areas.

Commissioner Bakke added that the provision does not specifically prohibit the County from acquiring or adding land to a non-municipal urban growth area that did not historically have highly urban characterized development.

Mr. Tate does not believe the provision to be inconsistent. Taking that statement out of the Growth Management Act and looking at it only would mean that never anywhere in Washington State close to an urban area would one ever add anything to an urban growth area unless it was characterized by existing urban development. Urban growth areas everywhere include vacant lands that are intended to accommodate population projections.

Commissioner McDowell said if the rules for urban growth areas apply, clearly the one he is familiar with is the situation in Oak Harbor as it continues to expand and extend the urban growth areas to non-urbanized areas. Such are open areas and the County has jointly established rules with the City concerning those areas until they are annexed. He hopes the same process will occur in Freeland.

Following public comment Chairman Dean believes that the Board should postpone a decision to allow the Freeland Incorporation Committee an opportunity to review and comment on the findings. He asked the consensus of the Board.

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Commissioner Bakke urged the Board to take action today to adopt the findings because he believes the findings are reflective of the discussion the Board had with the community at the December 10 meeting; the Board has already delayed action to address questions about the schedule and appropriateness of moving forward with the schedule as outlined in section 1 on page 5 of the findings. He believes the efforts to adopt implementing regulations will not be an exercise in futility but rather the decision is a necessary component. Not only is it a necessary component for implementing the County's plan, but also should Freeland incorporate, it is a necessary component for the fledging city to be able to have a set of standards that can be referenced and incorporated. The Commissioner is aware that the process stalled once before and he remembers Commissioner Shelton expressing to a number of people how he viewed that stall as his biggest mistake as a County Commissioner. Staff is up to speed, the community is engaged, the chamber is engaged, and the schedule is set. Commissioner Bakke had a meeting with Mr. Tate and a number of people from the community during which the group came to some terms on the process; how it would be put together, the people involved, before it goes public.

Continuing, Commissioner Bakke wanted to make it clear that he supports detailed design standards and supports empowering the community in Freeland to implement the comprehensive plan with design standards that are performance based and that reflect community interests for its architecture, landscaping, style, and design. The only difference is he believes that can be done through effective design implementing standards and there is no need to have a design review committee to implement those standards. If the job is done right good implementing standards can be achieved that have depictions; the rest will fall in line and future development in Freeland will be consistent with the comprehensive plan and the community's vision for what it would like to have. In 1998 the Board and the County adopted the County's comprehensive plan in conjunction with implementing regulations, all at one time, so it allowed people to ask specific questions about the comprehensive plan and get answers from the implementing regulations to know how the two components are going to work together to solve the issues in the community. Commissioner Bakke urged that as the implementing regulations are developed that everyone keep an open mind about the development regulations and be prepared as a Board and community to discuss changes because people will interpret language in different ways. He believes as the process moves forward changes to the comprehensive plan will need to be considered, possibly even re-written.

Finally, the Commissioner is pleased with the revised Finding No. 8 because it is reflective of the conversation the Board had with the community at the December 10 meeting and he would again urge the Board to adopt the findings.

Commissioner McDowell is not sure he agrees with Commissioner Bakke's feeling there must be detailed design standards as he believes it would create a burden on the planning department; if Freeland incorporates it will have its own planning department and own set of rules for special design standards. Some design standards are worthwhile but he has a concern about "detailed" standards.

Commissioner McDowell deems the revised Finding No. 8 to address the problem at hand; that the purpose was not to zone individual parcels or make final decisions as that would happen during the zoning process of the development regulations. That would be the appropriate time to consider all the properties, not just Freeland Hill. Concerning the schedule, he does not think it makes sense for the County to create design standards and regulations if Freeland is going to incorporate and conduct the same process itself. He cannot see wasting public dollars to

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duplicate that process. Questions remain whether the schedule should begin in February to discuss development regulations if Freeland plans to incorporate. The Commissioner asked Mr. Tate, given everything he knows, if he thinks it will be a duplicate effort of time for him to spend the next four months preparing development regulations if Freeland plans to incorporate.

Mr. Tate shares similar concerns of use of valuable staff resources in his department, especially with the projects it faces in 2008-2009. Having been involved in the development of the Freeland Sub Area Plan from its inception and knowing the history and who has been involved with the process, he believes there is a high likelihood that the outline, the majority of the bulk of the standards his department would develop, could conceivably be passed on to the future administration if Freeland incorporates. Mr. Tate is fully committed to allocating staff resources to commence the process if for no other reason it concerns him if incorporation fails; he wants to avoid the loss of continuity. He would like to begin.

Commissioner McDowell is concerned about talk of design standards as he does not believe the County should be dictating what people do with their property and hopes Mr. Tate and his staff agree. He did not hear anything in the way of disagreement with the findings, people may not agree with the comprehensive plan but that is finished, he also wants to adopt the findings. He will support Mr. Tate in his request to follow the schedule.

Chairman Dean weighed in concerning design standards saying he thinks the conversations he has had with the people of Freeland indicate that it is not about color, it is about the overall look of Freeland in the end. He believes the Board and community are on the same page; what Freeland will look like 20 years from now.

Commissioner McDowell moved to adopt Ordinance C-12-08/PLG-002-08 in the Matter of Adopting Findings of Fact for the Designation of Freeland as a Non-Municipal Urban Growth Area and Incorporating the Freeland Sub Area Plan into the Island County Comprehensive Plan, with the revision to Finding No. 8. [GMA No. 9777] Commissioner Bakke seconded the motion, unanimously carried.

Mr. Tate said in terms of the appeal period the County's responsibility now is to take the Board's action and place a Notice of Action in the newspaper. That Notice of Action will publish on Saturday, February 16 2008. The RCWs confirmed that it is that date, February 16, from which the 60-day appeal period begins, ending at the end of the day April 16, 2008.

PUBLIC HEARINGS

**HEARING HELD: RESOLUTION C-126-07/R-48-07 IN THE MATTER OF THE
PETITION OF RGN CONSTRUCTION, LLC FOR THE VACATION OF A PORTION
OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS AN UNNAMED ALLEY LOCATED
IN UTSALADY**

(Continuation of Hearing from February 5, 2008 – Public Comment Closed)

Chairman Dean opened a public hearing on Resolution C-126-07/R-48-07 in the Matter of the Petition of RGN Construction, LLC for the Vacation of a Portion of County Road Right-Of-Way Known as an Unnamed Alley Located in Utsalady, continued from February 5, 2008. He commented that at the February 5 hearing the Board requested of staff additional information prior to making its decision.

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Bill Oakes, Public Works Director, said the Board directed staff to seek an opinion of the Prosecuting Attorney and having done that, there are two options available to the Board: approve the vacation as proposed or deny the vacation as proposed. The Prosecutor believes those are viable options and taken into account the testimony and any facts the Board was presented, along with the vacation documents, it could make that decision. Mr. Oakes offered the Board a third option, which he is pursuing with the applicants, and that is the Board can partially vacate the right-of-way by vacating either half of the right-of-way to the landowner who made the application or less than that. Mr. Oakes is proposing that if the Board vacates the full half of the 16 feet that would leave only 8 feet of access on the other lots that did not apply for the vacation. To be a viable access it should be 10-12 feet and that is the conversation Mr. Oakes is having with the owners of the lots who applied for the vacation to see if that is in fact acceptable to them. Based on continuing conversation Mr. Oakes is recommending that the hearing be continued to February 25, 2008.

The question arose whether re-advertising is necessary should the Board decide to vacate half or slightly half of the 16 foot right-of-way. Mr. Oakes responded that the Board can modify the vacation through the final order based on the testimony given at the hearing and that is what the Board would be doing without further notification.

By unanimous motion the Board approved continuing the public hearing on Resolution C-126-07/R-48-07 in the Matter of the Petition of RGN Construction, LLC for the Vacation of a Portion of County Road Right-Of-Way Known as an Unnamed Alley Located in Utsalady to February 25, 2008 at 2:15 p.m.

EXECUTIVE SESSION ANNOUNCED

The Chairman announced that the Board would meet in Executive Session at 11:00 a.m. in the Commissioners' Conference Room # 218, County Administration Building, 1 NE 7th Street, Coupeville for approximately 30 minutes as allowed under RCW 42.30.110(1)(g) to review the performance of a public employee. He did not expect an announcement in open public session following Executive Session.

There being no further business to come before the Board the meeting adjourned at 11:30 a.m. following Executive Session. The Board will meet next in Regular Session at 11:00 a.m. on February 25, 2008 for Roundtable followed by Regular agenda items at 2:00 p.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Phillip Bakke, Member

William L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board