

ISLAND COUNTY BOARD OF COUNTY COMMISSIONERS
(Including Diking Improvement District #4)

JUNE 14, 2016

10:00 a.m. Regular Meeting

JUNE 15, 2016

9:00 a.m. Work Session with Individual Departments and Elected Officials

Location (Unless otherwise noted): Board of County Commissioners Hearing Room (Room 102B Basement), Island County Annex Bldg., 1 NE 6th Street, Coupeville, WA

[\[CLICK HERE for Internet link to Island County Coupeville Campus Map & Contact Guide\]](#)

MEETING AGENDA – JUNE 14, 2016

10:00 a.m. Convene Regular Meeting -- Pledge of Allegiance

Welcome to the Board of County Commissioners meeting. The Board values your input and ideas, and sets aside a time called "Public Input or Comments." A "Public Hearing" or "Public Meeting" will begin no sooner than the time shown. Occasionally, items do not make this agenda in time, but are added just prior to the meeting at the discretion of the Chair. This separate "Chair's Agenda" will be addressed as the schedule permits.

[Welcome New Employees, Employee Service Awards, and Employee of the Month](#)

10:00 a.m. Public Input or Comments

This is time set aside for members of the public to speak to the Board about subjects of concern or interest, or items on the agenda. Comments on matters scheduled for Public Hearing will be taken at the time shown on the agenda. The Board will take all information under advisement, but generally will not take any action unless it is emergent in nature. To ensure your comments are recorded properly, please state your name and address clearly into the microphone. Please limit your comments to 3 minutes.

Consent Agenda

[Consent Agenda items will be considered together and will be approved on a single motion typically without discussion. The items proposed for the Consent Agenda are considered to be routine and public comment or inquiries are not anticipated. Any item on the Consent Agenda will be moved to the Regular Agenda upon request from any Board Member prior to or during the Board meeting. An item moved to the Regular Agenda will be considered after the Consent Agenda.]

- 1) [Approve](#) pre-audited vouchers, warrants, electronic funds transfers and payroll
- 2) [Approve](#) Minutes from previous meeting(s): Work Session – 5/11/16

Human Services

- 3) [Contract Amendment No. 6](#) with Sunrise Services, Inc. to continue providing jail transition services. Contract No. HS-48-13(6); Contract period extended: 4/1/16 – 6/30/16; Amount: \$9,243.70 (RM-HS-2016-182)

**ISLAND COUNTY BOARD OF COUNTY COMMISSIONERS
Meeting Agenda – June 14, 2016**

Regular Agenda

[Items listed under this portion of the Agenda are typically considered separately.]

Commissioners

- 4) [Resolution C-73-16](#) Countywide Order Regarding Public Records Act Exemptions

Long Range Planning

- 5) [Resolution C-74-16](#) (PLG-006-16) Draft Urban Growth Area Boundaries and Joint Planning Area Overlays for the 2016 Comprehensive Plan Update. The resolution adopts draft maps for inclusion in the draft Comprehensive Plan for public review and comment.

Public Hearings

[A Public Hearing will begin no sooner than the time shown.]

Sheriff

- 6) [10:15 a.m. Public Hearing: Ordinance C-61-16](#) Amending Island County’s Fireworks Chapter 9.08A and Burn Ban Chapter 14.03B. The ordinance would limit the use and discharge of consumer fireworks in unincorporated Island County and authorize the Island County Sheriff, acting as the Island County Fire Marshal, to temporarily ban use and discharge of fireworks in severe dry weather conditions in unincorporated Island County. The Board originally considered the ordinance at public hearing on April 5, 2016 but no action was taken at that time. Instead, revision was requested to include a definition of severe dry weather conditions.

Commissioners Comments & Announcements

[This time provides an opportunity for Commissioners to discuss events, actions or issues that may generate public comment, media calls, or otherwise be of interest to the Board of County Commissioners.]

JUNE 15, 2016 @ 9:00 a.m.

WORK SESSIONS with individual Departments and Elected Officials. Work Sessions are a public meeting which provides an opportunity in an information workshop format for the Board to review in detail ongoing issues with individual departments and elected officials. This time is also used for the Board to meet with other agencies, committees and groups to discuss specific topics of mutual interest. Items are typically first reviewed at Work Sessions before being scheduled on the agenda for the Board’s regular business meetings held on Tuesdays.

Debbie Thompson, Clerk of the Board of County Commissioners (360) 679-7385

NOTICE: Persons with disabilities requiring elevator access to the Hearing Room, please call twenty-four (24) hours prior to the scheduled event: (360) 678-7919 from North Whidbey; (360) 629-4522 Ext. #7919 from Camano Island; or (360) 321-5111 Ext. #7919 from South Whidbey
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EMPLOYEE PRESENTATIONS
June 14, 2016 at 10:00 A.M.

WELCOME TO NEW EMPLOYEES – MAY

<u>Department</u>	<u>Employee</u>
Auditor	Susan Geiger
Prosecuting Attorney	Shawna Weller
WSU	Sarah Berquist
Juvenile Detention	Jaundi Asinsin
Juvenile Detention	Dejuan Gorham
Juvenile Detention	Meriah Wood
Juvenile Detention	William Burgess
Juvenile Detention	Holly Gonzales
Health	Heather Kortuem

EMPLOYEE SERVICE AWARDS

<u>Department</u>	<u>Employee</u>	<u>No Years</u>
Public Works	Randle Chambers	10
Public Works	John Bertrand	10
Public Works	Matthew Huss	20
Sheriffs	Brent Durley	10
Sheriffs	Leif Haugen	10

COUNTY OF ISLAND
STATE OF WASHINGTON
EXPENDITURE APPROVALS
June 14, 2016

We, the undersigned Board of County Commissioners of Island County, Washington, do hereby certify that the materials have been furnished, the services rendered, or the labor performed as described herein, or that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the COUNTY OF ISLAND. All warrants issued are payment of previously approved vouchers. A detail of all vouchers, warrants and payroll records is available in the County Auditor's office.

VOUCHER APPROVALS					
Department		Department		Department	Amount
Assessor		Facilities	\$ 47,562.37	Planning	\$ 149.56
Auditor	\$ 3,866.58	Non Departmental (90)		Prosecuting Attorney	\$ 893.61
Budget		GSA	\$ 72,849.62	Public Health	\$ 4,844.04
Clerk		Human Resources	\$ 172.90	Public Works	\$ 149,967.15
Commissioners	\$ 2,000.00	Human Services	\$ 7,884.82	Sheriff	\$ 75,577.19
Coroner	\$ 1,789.75	Information Technology	\$ 53,744.08	Superior Court/Juvenile	\$ 5,641.01
District Court	\$ 1,773.39	Miscellaneous (Comm)	\$ 27,153.42	Treasurer	\$ 4,013.58
Emergency Management		Natural Resources	\$ 134.33		
Extension Services		Non Departmental (00)	\$ 6,658.20		
Total					\$ 466,675.60

*WARRANT APPROVALS		Warrant #	through	Warrant #	Amount
		510744		511025	\$ 751,413.88
Total					\$ 751,413.88

**Includes Immediate Pay checks for Misc. Payroll \$7,183.80*

EFT APPROVALS		
Description	Fund	Amount
EFT Debit Card Settlement Date 6/2/2016	997	\$ 869.17
EFT Debit Card Settlement Date 6/3/2016	997	\$ 60.00
EFT Debit Card Settlement Date 6/4/2016	997	\$ 16.86
EFT Debit Card Settlement Date 6/5/2016	997	\$ 247.00
EFT Debit Card Settlement Date 6/6/2016	997	\$ 179.55
EFT Debit Card Settlement Date 6/7/2016	997	\$ 76.66
EFT Debit Card Settlement Date 6/8/2016	997	\$ 213.94
EFT Payroll Taxes Pay Date 6/10/2016	997	\$ 223,562.27
EFT Regional Disposal Company Settlement Date 5/31/2016	401	\$ 265,235.60
Total		\$ 490,461.05

PAYROLL APPROVALS				
Description Pay Period	May 15 - May 28, 2016 Pd: Jun 10, 2016			
Warrants	41967	through	41979	\$ 13,499.74
Direct Deposit				\$ 611,534.88
Total				\$ 625,034.62

APPROVED this 14th day of June 2016.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Richard M. Hannold, Chair

Jill Johnson, Member

Helen Price Johnson, Member

ATTEST:

Debbie Thompson, Clerk of the Board



ISLAND COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA BILL

MEETING DATE: 6/14/16
 Agenda Item No 3

CONSENT AGENDA
 REGULAR AGENDA
 PUBLIC HEARING/MTG
 Resolution/Ordinance No:

DEPARTMENT: Human Services

DIVISION: (if applicable)

STAFF CONTACT: Jaime Montoya

AGENDA SUBJECT: Contract Amendment # HS-48-13(6) with Sunrise Services for jail transition services; Contract Amendment Period: 4/1/16-6/30/16; Contract Amendment Amount: \$9,243.70; New Contract Amount: \$179,936.79. RM-HS-2016-182

BACKGROUND/SUMMARY: **WORK SESSION DATE:** (if applicable) N/A

Sunrise Services has held the Jail Transition contract since 7/1/13. We are extending their contract which ended on 3/31/16 to allow us time to do a request for proposals without an interruption of service. We did not know we would receive the Jail Transition contract until after 3/31/16.

Contract period: 7/1/13-6/30/16

FISCAL IMPACT/FUNDING SOURCE:
 NSMHA-ISLAND COUNTY-JAIL SERVICES-13-15 &
 NORTH SOUND BHO-ISLAND CO-JAIL SERVICES-16-18

RECOMMENDED ACTION:

Approve/Adopt
 Schedule Public Hearing/Meeting
 Continue Public Hearing/Meeting
 Information/Discussion
 Other (describe) _____

SUGGESTED MOTION:

[BELOW TO BE COMPLETED BY CLERK OF BOARD]

BOCC ACTION:

APPROVED
 DENIED
 TABLED/DEFERRED/NO ACTION TAKEN
 CONTINUED TO DATE: ___/___/___ TIME: _____
 OTHER Send one original back to department

**ISLAND COUNTY HUMAN SERVICES DEPARTMENT
P O BOX 5000
COUPEVILLE, WA 98239-5000**

CONTRACT AMENDMENT

CONTRACT HS-48-13	AMENDMENT # 6	CONTRACT HEREINAFTER IDENTIFIED AS: HS-48-13 (6)	AMOUNT OF AMENDMENT: \$9,243.70
NAME & ADDRESS OF CONTRACTOR: Sunrise Services, Inc. PO Box 2569 Everett, WA 98213-0569		TITLE OF FUNDS: North Sound BHO - Island County Jail Services	AMT. OF TOTAL CONTRACT: Original \$ 18,730.00 Amend 1 \$123,825.00 Amend 2 \$ 0.00 Amend 3 \$ 0.00 Amend 4 \$ 8,911.26 Amend 5 \$ 19,226.83 <u>Amend 6 \$ 9,243.70</u> Total \$179,936.79
		COUNTY CONTACT: Jackie Henderson Human Services Director	
CONTRACT PERIOD FROM: 7/1/13		TO: 3/31/16	
CONTRACT AMENDMENT PERIOD FROM: 4/1/16		TO: 6/30/16	

DESCRIPTION OF AMENDMENT, MODIFICATION OR CHANGE ORDER TO THE AGREEMENT REFERRED TO AS CONTRACT NUMBER HS-48-13 AND AMENDMENTS THERETO FOLLOW:

1. Extend contract period to June 30, 2016
2. Replace Exhibit A(1) with Exhibit A(2).
3. Replace Exhibit D(5) with exhibit D(6), adding additional funding for April 1, 2016 – June 30, 2016.

ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND ANY PREVIOUS AMENDMENTS THERETO REMAIN IN FULL FORCE AND EFFECT.

This is a unilateral change order, signature of Contractor is not required below.

The Contractor hereby acknowledges and accepts the terms and conditions of this amendment or modification. Signature is required below.

FOR THE CONTRACTOR:

FOR ISLAND COUNTY:

Sue Closser
Sue Closser Pres 5-24-14

Sue Closser
President, Sunrise Services Inc

Date

Richard M. Hannold, Chair
Board of County Commissioners
Island County, Washington

Date

EXHIBIT A (2)

STATEMENT OF WORK

JAIL TRANSITION SERVICES

A. JAIL TRANSITION SERVICES PROGRAM SCOPE OF WORK

Contracting Organization shall furnish the necessary personnel and services and do all the things necessary for the performance of the work set forth herein as presently written or may be later amended.

1. INTENT

Jail Services funding is provided by the Washington Legislature to provide mental health services for mentally ill offenders while confined in a county or city jail. These services are intended to facilitate access to programs that offer mental health services upon mentally ill offenders' release from confinement. This includes efforts to expedite applications for new or re-instated Medicaid benefits.

2. ENCOUNTER DATA REPORTING

Services provided under this contract must be reported in accordance with the North Sound BHO data dictionary. Each encounter must be described as an item that is found in the North Sound BHO data dictionary. Also, an individual record is established for each individual receiving service and the elements contained in the client record include all of the elements contained in a client record in the North Sound BHO Computer Information System.

3. SERVICES TO BE PROVIDED

Coordinate with local law enforcement and jail personnel including development or maintenance of Memoranda of Understandings (MOU) with the Island County jail and the Oak Harbor jail which detail a referral process for individuals with mental illness who are incarcerated and need mental health services.

The MOU must identify the process and procedures to be implemented when the local jails contract the placement of offenders in other jurisdictions, such as tribal jails or those in other counties. The MOU must detail a referral process for persons who are incarcerated and have been diagnosed with a mental illness or identified as in need of mental health services. It must also include a process to include services to offenders placed out of jurisdiction contract facilities.

Identify individuals within the jail community and provide transition services to those individuals with mental illness to expedite, facilitate, and coordinate their return to the community.

Identify and accept referrals for intake of individuals for jail transition services who are not enrolled in community mental health services but who meet priority populations as defined in RCW 71.24.035(5)(b). The Contracting Organization shall conduct mental health needs assessments for these individuals and provide transition services prior to, and when necessary upon their release from jail.

Develop a Memoranda of Understanding with local Community Service Offices (CSO) toward the facilitation of expedited application or reinstatement of medical assistance for individuals in jails, prisons, or Institutes for Mental Diseases (IMD). The Contracting Organization shall assist individuals with mental illness in completing and submitting applications for medical assistance to the local CSO prior to release from jail.

The client chart must contain notes of services provided through jail services programming. The client chart must make note, in a clearly recognizable manner, of when jail services began, and when they ended.

Pre-release services shall include within the available resources:

- a. Mental health screening for individuals who display behavior consistent with a need for such screening or who have been referred by jail staff, or officers of the court;
- b. Mental health intake assessments for persons identified during the mental health screening as a member of the priority populations as defined in Chapter 71.24 RCW;
- c. Facilitation of expedited medical and financial eligibility determination with the goal of immediate access to benefits upon release from incarceration;
- d. Other prudent pre-release (including pre-trial) case management and transition planning.

Provision of direct mental health services to individuals who are in jails that have no mental health staff.

Implement intensive post-release outreach to ensure best possible follow-up with the CSO and appointments for mental health and other services (e.g., substance abuse) engagement with mental health services to stabilize client in the community.

If the Contracting Organization has provided the jail services above, the Contracting Organization may use the Jail Coordination Services funds provided to facilitate any of the following activities if there are sufficient resources:

- a. Daily cross-reference between new bookings and the Regional Support Network (RSN) database to identify newly booked, persons known to the RSN.
- b. Development of individual alternative service plans (alternative to the jail) for submission to the courts.
- c. Inter-local agreements with the juvenile detention facility.
- d. Provision of up to a seven (7) day supply of medications prescribed for the treatment of mental health symptoms following the release from jail.
- e. Training to local law enforcement and jail services personnel.

Contracting Organization shall coordinate with San Juan County upon release of all individuals placed in the Island County Jail that are San Juan County residents.

B. PERFORMANCE STANDARDS

1. GENERAL OPERATING STANDARDS

- a. Contracting Organization must ensure that individuals and individuals' families participate in planning activities and participate in the implementation and evaluation of Contracting Organization's contractual functions. Contracting Organization must be able to demonstrate how this requirement is implemented.
- b. Contracting Organization shall encourage and promote Dignity and Respect in the provision of services under this Contract.
- c. Contracting Organization must maintain a written Advance Directive policy and procedure that respects enrollees' advance directives for psychiatric care. Policy and procedures must comply with North Sound BHO's Advance Directives policy and procedure.
- d. Contracting Organization must ensure benefits are provided in accordance with North Sound BHO's policies and procedures and are not arbitrarily denied or reduced (e.g., the amount, duration, or scope of a required service) based solely upon the diagnosis, type of mental illness, or the enrollee's mental health condition.
- e. Contracting Organization shall notify individuals in writing of changes in service, MHCP denials and/or changes, or termination in services in accordance with North Sound BHO policies and procedures.

2. OUTPATIENT INITIAL REFERRAL and CONTINUED SERVICE COORDINATION

Contracting Organization shall facilitate the transition from Jail Services to Outpatient Services.

Contracting Organization shall assist the individual with the transition and coordination of services upon release from jail.

Contracting Organization shall continue to meet the transition needs of the consumer provided under this Agreement until the individual receives their first outpatient appointment and/or consumer has declined further services, whichever occurs first. The duration of jail transition engagement services shall be approximately ninety (90) days or at an end date mutually agreed upon between the Contracting Organization and the client for the purpose of transition services.

3. MENTAL HEALTH ASSESSMENT

Contracting Organization shall conduct a mental health needs assessment on individuals identified by the Contracting Organization who are in need of mental health transition services.

The Mental Health Needs Assessment shall at a minimum contain the following elements:

- a. Individual's identification of problem, in his/her words;
- b. Identifying risk issues, to self or others;
- c. Individual's functioning level-abbreviated mental health status assessment;
- d. Determination of mental health, medical, and/or chemical dependency issues;
- e. Identify whether the individual is a current or past consumer of mental health/chemical dependency services;
- f. Medication history and current needs; and
- g. Completion of the GAIN Screening tool.

Contracting Organization shall ensure the mental health needs assessment is in a language and terminology that is understandable to the individual.

Contracting Organization shall address age, cultural, or disability issues of the consumer.

Contracting Organization will include measurable goals for progress toward rehabilitation, recovery and reintegration into the mainstream of social, employment and educational choices, involving other systems when appropriate.

Contracting Organization shall demonstrate that the provider has worked with the individual and others at their request to determine his/her needs in the following life domains:

- a. Housing;
- b. Food;
- c. Income;
- d. Health and dental care;
- e. Transportation;
- f. Work, social or other daily activities;
- g. Social life;
- h. Referral services and assistance in obtaining supportive services appropriate to treatment, such as substance abuse treatment.

4. ACCESS TO AGE AND CULTURALLY COMPETENT SERVICES

In accordance with WAC 388-865-0415, CONTRACTING ORGANIZATION must document and otherwise ensure that eligible consumers have access to age and culturally competent services when and where those services are needed. They must:

- a. Identify and reduce barriers to people getting the services where and when they need them;
- b. Comply with the Americans with Disabilities Act 42 USC § 12101 et seq. and the Washington State Antidiscrimination Act, Chapter 49.60 RCW;
- c. Ensure that services are timely, appropriate and sensitive to the age, culture, language, gender and physical condition of the consumer;
- d. Encourage alternative service delivery models to make services more available to underserved persons as defined in WAC 388-865-0150;
- e. Provide access to telecommunication devices or services and certified interpreters for deaf or hearing impaired consumers and limited English proficient consumers;
- f. Bring services to the consumer or locate services at sites where transportation is available to consumers; and
- g. Ensure compliance with all state and federal nondiscrimination laws, rules and plans.

5. INDIVIDUAL AND FAMILY VOICE

Contracting Organization must ensure all consumers have voice in developing their transition plans, advance directives and crisis plans. At a minimum, transition goals must be written in the words of the consumer and documentation must be included in the clinical record describing how the consumer sees his/her progress. Contracting Organization must be able to demonstrate how this requirement is implemented and monitored.

6. GRIEVANCE, FAIR HEARING AND APPEAL PROCESSES

Contracting Organization must implement grievance, fair hearing and appeal processes that are in conformance with North Sound BHO policies and procedures.

Contracting Organization shall abide by North Sound BHO grievance, fair hearing and appeal determinations.

In addition Contracting Organization shall:

- a. Implement a Grievance process that complies with WAC 388-865-0255 and 388-877-877A or any successors;
- b. Coordinate with North Sound BHO grievance process and Ombuds Services;
- c. Provide assistance to clients filing a grievance; and
- d. Provide access to interpreter services and toll free numbers with adequate TTY/TTD and interpreter capability; and
- e. Incorporate concerns from grievances into Contracting Organization services without identifying individual clients.

7. LOCAL RESPONSIVENESS AND COMMUNICATION

Contracting Organization shall cooperate with North Sound BHO in the Service Area to provide a locally responsive delivery system. Contracting Organization shall provide consumers and referral sources information and education about the referral process, service availability, service population, and common symptoms of mental illness to consumers and referrals sources, and shall post and make known consumer rights and responsibilities including complaint, grievance, and fair hearing procedures, and the availability of Ombuds services.

Contracting Organization shall have written policy and procedures that comply with North Sound BHO's policies on consumer rights and that address the following:

- a. Individual mental health rights applicable to non-Medicaid individuals as defined in WAC 388-865-0410 and 338-877-0600.
- b. Oral interpretation services provided free of charge to the individual.
- c. Information and written materials are available when requested in alternate formats. These materials must be available and easily understood by individuals.

Access to translated copies may be downloaded at:
<http://www.dshs.wa.gov/dbhr/pubs.shtml#dbhr>

8. CRITICAL INCIDENTS

Contracting Organization shall comply with North Sound BHO's Critical Incident Reporting Policy and Procedure and any successor regarding critical incidents.

9. STAFF COMPETENCY AND TRAINING

Contracting Organization shall comply with North Sound BHO's credentialing policies and procedures and shall ensure that all staff are qualified for the position they hold and have at a minimum the education, experience and skills to perform their job requirements, per Chapter 388-865 WAC, including any required licenses or certifications.

The Contracting Organization shall require a criminal history background check pursuant to RCW 43.43.830, 832, 834, and 43.20A.710 be completed for all current employees and volunteers and that a criminal history background check shall be initiated for all prospective employees and volunteers who may have unsupervised access to children, people with developmental disabilities or vulnerable adults.

10. MANAGEMENT INFORMATION SERVICES

Contracting Organization shall:

Ensure the existence and operation of an electronic health record (HER) that is compatible with North Sound BHO's CIS and has the capability to transmit data timely and accurately. Contracting Organization shall develop and maintain information system in comport with Exhibit E and Exhibit F, attached hereto and incorporated herein.

North Sound BHO will require the Contracting Organization to provide a Business Continuity and Disaster Recovery Plan (BCDRP) that insures timely reinstatement of the CIS following total loss of the primary system or a substantial loss of functionality. Contracting Organization must submit to North Sound

BHO the most recent version of the BCDRP within 30 calendar days of execution of this agreement and within 30 calendar days of the Contracting Organization updating their BCDRP.

11. MEDICAID ELIGIBILITY

Contracting Organization shall verify an individual's Medicaid eligibility at each appointment. For individuals not currently enrolled in Medicaid, Contracting Organization shall refer individuals to the designated in-person assistor agency in their catchment area. Contracting Organization shall act in accordance with North Sound BHO policy on eligibility verification herein incorporated by reference.

Exhibit D(6)

Budget: July 1, 2013 – September 30, 2013

Jail Funding – Island	10,125.00
Jail Funding – San Juan	<u>8,605.00</u>
Total Source of Funds	\$18,730.00

Budget: October 1, 2013 – June 30, 2014

Jail Funding – Island	28,687.00
Jail Funding San Juan	<u>24,381.00</u>
Total Source of Funds	\$53,068.00

Budget: July 1, 2014 – June 30, 2015

Jail Funding – Island	20,097.00
Jail Funding San Juan	17,080.00
County Millage	<u>33,580.00</u>
Total Source of Funds	\$70,757.00

Budget: July 1, 2015 – September 30, 2015

Jail Funding – Island	4,817.26
Jail Funding San Juan	<u>4,094.00</u>
Total Source of Funds	\$8,911.26

Budget: October 1, 2015 – March 31, 2016

Jail Funding – Island	10,405.41
Jail Funding San Juan	<u>8,821.42</u>
Total Source of Funds	\$19,226.83

Budget: April 1, 2016 – June 30, 2016

Jail Funding – Island	4,938.56
Jail Funding San Juan	<u>4,305.14</u>
Total Source of Funds	\$9,243.70

Reporting Requirements:

INVOICE

A monthly invoice for actual expenses incurred is due no later than the 15th of the month following service. Invoice should include:

1. All backup for expenses incurred that billing month
2. Number of hours spent at the Island County and Oak Harbor jail that billing month

Invoices shall be mailed or hand delivered to:

Island County Human Services
 Attn: Jaime Montoya
 105 NW 1st St.
 P.O. Box 5000
 Coupeville, WA 98239

The County agrees to make payment for services provided as approved by the Auditor of Island County with County warrants within thirty (30) working days following receipt of Contracting Organization's claim for reimbursement; provided that no payment shall be made in the month during which services are delivered unless otherwise approved by the County.



ISLAND COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA BILL

MEETING DATE: 6/14/16
Agenda Item No 4

CONSENT AGENDA
X REGULAR AGENDA
PUBLIC HEARING/MTG
Resolution/Ordinance No:
C-73-16

DEPARTMENT: Commissioners	
DIVISION: (if applicable)	
STAFF CONTACT: Pam	
AGENDA SUBJECT: Resolution in the matter of a Countywide Order Regarding Public Records Act Exemptions	
BACKGROUND/SUMMARY:	WORK SESSION DATE: 6/8/16
The Board reviewed and approved moving forward to the Regular agenda.	
FISCAL IMPACT/FUNDING SOURCE:	
RECOMMENDED ACTION:	
<input type="checkbox"/>	Approve/Adopt
<input type="checkbox"/>	Schedule Public Hearing/Meeting
<input type="checkbox"/>	Continue Public Hearing/Meeting
<input type="checkbox"/>	Information/Discussion
<input type="checkbox"/>	Other (describe) _____
SUGGESTED MOTION:	

[BELOW TO BE COMPLETED BY CLERK OF BOARD]

BOCC ACTION:

<input type="checkbox"/>	APPROVED
<input type="checkbox"/>	DENIED
<input type="checkbox"/>	TABLED/DEFERRED/NO ACTION TAKEN
<input type="checkbox"/>	CONTINUED TO DATE: ____/____/____ TIME: _____
<input type="checkbox"/>	OTHER _____

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

**IN THE MATTER OF A COUNTYWIDE)
ORDER REGARDING PUBLIC RECORDS)
ACT EXEMPTIONS)**

RESOLUTION NO. C-73-16

WHEREAS, the Island County Board of Commissioners is committed to the tenets of open government and the Public Records Act; and

WHEREAS, it is in the best interest of the County and community-at-large for County departments to provide access to public records using a consistent standard as allowed by law; and

WHEREAS, certain exemptions to disclosure are narrowly construed in Washington State law. The County may, in its discretion, waive those exemptions when determined to be in the public interest; and

WHEREAS, the attorney-client privilege statute, RCW 5.60.060(2)(a), is such an exemption from disclosure. The attorney-client privilege covers records reflecting communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties and an attorney serving in the capacity of legal advisor for the purpose of rendering or obtaining legal advice, and records prepared by the attorney in furtherance of the rendition of legal advice; and

WHEREAS, RCW 42.56.290 exempts attorney work product "relevant to a controversy," which means completed, existing, or reasonably anticipated litigation involving the agency; and

WHEREAS, the deliberative process exemption, RCW 42.56.280 exempts "Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended" except if the records are publicly *cited* by an agency in connection with an agency action.

NOW, THEREFORE, BE IT HEREBY RESOLVED that no waiver of the aforementioned exemptions by the Island County Board of Commissioners, or by employees under the Board's supervisory authority, shall be authorized unless the Board of Island County Commissioners unanimously authorizes such waiver before release of the records.

ADOPTED this day of June, 2016.

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

Richard M. Hannold, Chair

Jill Johnson, Member

Helen Price Johnson, Member

ATTEST:

Debbie Thompson, Clerk of the Board



ISLAND COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA BILL

MEETING DATE: 6-14-16
Agenda Item No 5

CONSENT AGENDA
 REGULAR AGENDA
PUBLIC HEARING/MTG
Resolution/Ordinance No:
C-74-16; PLG-006-16

DEPARTMENT:	Planning & Community Development										
DIVISION:	Long Range Planning										
STAFF CONTACT:	Becky Frey										
AGENDA SUBJECT:	Approval of Resolution C- <u>74</u> -16; PLG-006-16 in the matter of the draft Urban Growth Area Boundaries and Joint Planning Area Overlays for the 2016 Comprehensive Plan Update.										
BACKGROUND/SUMMARY:	<p>WORK SESSION DATE: 6-1-16</p> <p>Island County has completed a Buildable Lands Analysis, per the methodology adopted in the County Wide Planning Policies (CWPPs), and has determined that:</p> <ul style="list-style-type: none">a) Oak Harbor's UGA had adequate land to accommodate the 20 years of allocated growth and employment; andb) Coupeville's UGA had adequate land to accommodate the 20 years of allocated growth, with a slight deficiency in land available for employment; andc) both the Langley UGA and the Freeland NMUGA had excessive capacity to accommodate the 20 years of allocated growth and employment, and a reduction in those UGAs to be necessary. <p>In addition, the CWPPs outlined a new process to guide and control future development and Urban Growth Area (UGA) expansions, and these shall be adopted as Comprehensive Plan Overlays which will apply in addition to any underlying comprehensive plan or zoning.</p> <p>After an extensive joint planning effort and a number of community meetings, draft maps have been prepared for the Draft Island County Comprehensive Plan for public review and comment.</p>										
FISCAL IMPACT/FUNDING SOURCE:	N/A										
RECOMMENDED ACTION:	<table border="0"><tr><td><input checked="" type="checkbox"/></td><td>Approve/Adopt</td></tr><tr><td><input type="checkbox"/></td><td>Schedule Public Hearing/Meeting</td></tr><tr><td><input type="checkbox"/></td><td>Continue Public Hearing/Meeting</td></tr><tr><td><input type="checkbox"/></td><td>Information/Discussion</td></tr><tr><td><input type="checkbox"/></td><td>Other (describe) _____</td></tr></table>	<input checked="" type="checkbox"/>	Approve/Adopt	<input type="checkbox"/>	Schedule Public Hearing/Meeting	<input type="checkbox"/>	Continue Public Hearing/Meeting	<input type="checkbox"/>	Information/Discussion	<input type="checkbox"/>	Other (describe) _____
<input checked="" type="checkbox"/>	Approve/Adopt										
<input type="checkbox"/>	Schedule Public Hearing/Meeting										
<input type="checkbox"/>	Continue Public Hearing/Meeting										
<input type="checkbox"/>	Information/Discussion										
<input type="checkbox"/>	Other (describe) _____										
SUGGESTED MOTION:	Move to adopt Resolution C- <u>74</u> -16										

[BELOW TO BE COMPLETED BY CLERK OF BOARD]

BOCC ACTION:

<input type="checkbox"/>	APPROVED
<input type="checkbox"/>	DENIED
<input type="checkbox"/>	TABLED/DEFERRED/NO ACTION TAKEN
<input type="checkbox"/>	CONTINUED TO DATE: ____/____/____ TIME: _____
<input type="checkbox"/>	OTHER _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF THE DRAFT
URBAN GROWTH AREA BOUNDARIES
AND JOINT PLANNING AREA
OVERLAYS FOR THE 2016
COMPREHENSIVE PLAN UPDATE

RESOLUTION NO. C-74 -16
PLG-006-16

WHEREAS, Island County conducts planning activities in accordance with RCW 36.70, the Planning Enabling Act; and

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990 to guide the development and adoption of comprehensive plans and development regulations of those counties required to plan under RCW 36.70A.040; and

WHEREAS, Island County is required to plan under the GMA; and

WHEREAS, RCW 36.70A.130(3)(b) requires UGAs to be revised to accommodate the urban growth projected in the succeeding twenty-year period; and

WHEREAS, Goal 1 of the GMA states Island County should "encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner;" and

WHEREAS, Goal 2 of the GMA states Island County should "reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;" and

WHEREAS, Goal 12 of the GMA states Island County should "ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards;" and

WHEREAS, RCW 36.70A.110(1) requires Island County to designate urban growth areas in which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature; and

WHEREAS, RCW 36.70A.110(2) states Island County shall include areas sufficient to permit the twenty-years of urban growth that is projected based on the growth management population projections made by the Office of Financial Management; and

WHEREAS, RCW 36.70A.110(2) allows counties to use discretion in accommodating growth and determining a reasonable land market supply factor using local circumstances; and

WHEREAS, RCW 36.70A.110(3) states “urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas;” and

WHEREAS, the GMA requires that counties subject to the GMA adopt Countywide Planning Policies (CWPP) and further requires that these policies be developed with the cooperation of the municipalities within the county as per RCW 36.70A.210(2) ; and

WHEREAS, in order to address the requirements of the GMA, Island County, and the jurisdictions within Island County first adopted CWPPs in 1992 which were subsequently revised in 1998 and 1999; and

WHEREAS, in 1998, the Board of Island County Commissioners approved Ordinance C-123-98, which designated urban growth areas for Oak Harbor, Coupeville and Langley, and designated Freeland as a Rural Area of More Intense Development (RAID); and

WHEREAS, on December 10, 2007, the Board of Island County Commissioners adopted the initial Freeland Subarea Plan and designation of Freeland as an NMUGA; and

WHEREAS, on August 14, 2008, the Washington Supreme Court ruled, in case No. 80115-1, that UGAs must be large enough to accommodate the projected population increase, and cannot exceed the amount of land necessary to accommodate the urban growth projections, plus a reasonable land market supply factor; and

WHEREAS, on April 1, 2013, Island County Planning & Community Development staff reached out to Oak Harbor, Coupeville and Langley to form an Intergovernmental Working Group (IWG) to better coordinate with the jurisdictions on the 2016 Comprehensive Plan update process, including updating the CWPP and population projections; and

WHEREAS, on November 3, 2015, the Board of Island County Commissioners approved Ordinance C-100-15 revising the CWPP; and

WHEREAS, the updated CWPPs created a methodology, CWPP 3.3.4 and Appendix A, to guide future population projections and allocations to ensure consistency in addressing future growth needs; and

WHEREAS, the 2036 Island County population growth projection is estimated at 9,411, as adopted in Resolution C-76-13; and

WHEREAS, CWPP 3.3.9 allows UGAs to be reduced in size if population estimates or allocations indicate the UGA is larger than necessary to accommodate a 20 year supply of buildable lands, densities with the UGA have been increased such that the UGA is larger than necessary to accommodate a 20 year supply of buildable lands, or urban services cannot reasonably be provided to the area included in the proposed UGA; and

WHEREAS, Island County Planning & Community Development conducted a Buildable Lands Analysis which determined that:

- a) Oak Harbor's UGA had adequate land to accommodate the 20 years of allocated growth and employment; and
- b) Coupeville's UGA had adequate land to accommodate the 20 years of allocated growth, with a slight deficiency in land available for employment; and
- c) both the Langley UGA and the Freeland NMUGA had excessive capacity to accommodate the 20 years of allocated growth and employment, and a reduction in those UGAs to be necessary; and

WHEREAS, CWPP 3.2 states the County shall designate Potential Growth Areas (PGA) and areas of Long-Term Rural Significance (LRS) within the Joint Planning Areas (JPA) to guide and control future development and Urban Growth Area (UGA) expansions, and these shall be adopted as Comprehensive Plan Overlays which will apply in addition to any underlying comprehensive plan or zoning; and

WHEREAS, CWPP 3.3.6 established a process of prioritizing which areas within the JPA, the UGA should be expanded into first, designated as PGA, which areas should be expanded into second, undesignated areas, and which areas should be expanded into last, designated as LRS; and

WHEREAS, Island County Planning & Community Development worked with the Intergovernmental Working Group (IWG), which consisted of staff from Oak Harbor, Coupeville and Langley, and held 19 meetings to discuss updates to the CWPPs, population projections, JPA designations and UGA boundaries for the 2016 Comprehensive Plan update; and

WHEREAS, Island County Planning & Community Development held 6 community meetings in Oak Harbor, Coupeville, Freeland and Langley to discuss JPA overlays and UGA boundaries for the 2016 Comprehensive Plan update, where general support was received for a) the reduction of the Langley UGA, b) the reduction of the Freeland UGA to “the smallest feasible size”; and c) the removing the Coupeville JPA; and

WHEREAS, on April 18, 2016, the Langley City Council submitted to the County their recommendations for JPA designations; and

WHEREAS, on April 22, 2016, the Mayor of Coupeville submitted a letter to the County approving the removal of the Coupeville JPA; and

WHEREAS, the draft UGAs mapped as Attachment A, Planning Commission Findings of Fact Exhibits A, B, C and D are sufficient to permit the twenty-years of urban growth that is projected based on the growth management population projections and should be incorporated in the Draft Comprehensive Plan for public review and comment; and

WHEREAS, the JPA mapped in Attachment A, Planning Commission Findings of Fact Exhibit G, will be removed and the interlocal agreement between Island County and the Town of Coupeville adopted in 2002 by Ordinance C-02-02 will be amended to allow the reestablishment of a JPA if deemed necessary; and

WHEREAS, that it would be beneficial to the process to review all requests and amendments to these maps and the related analysis of impacts after the completion of the public review period, and changes, if any, would be made at that time to create the final UGA boundaries and JPA overlays, which will be established with the adoption of the 2016 Island County Comprehensive Plan; and

WHEREAS, JPAs may be reevaluated when necessary with Comprehensive Plan Updates; and

WHEREAS, the Island County Planning Commission adopted Findings of Fact following the public hearing, attached hereto as Exhibit A, Attachment A; **NOW, THEREFORE,**

IT IS HEREBY RESOLVED that the Board of Island County Commissioners directs the Department of Planning and Community Development to adhere the Board’s Findings of Fact and Statement Setting Forth the Factors Considered at the Hearing and Found to be Controlling, attached hereto as Exhibit A, Attachment A.

ADOPTED this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

RICHARD M. HANNOLD, Chair

JILL JOHNSON, Member

HELEN PRICE JOHNSON, Member

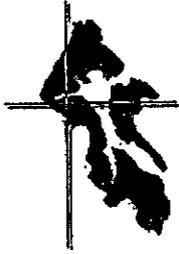
ATTEST:

Debbie Thompson
Clerk of the Board

EXHIBIT A

Board's Findings of Fact and Statement Setting Forth the Factors considered at the Hearing and Found to be Controlling

The Board of Island County Commissioners approves of and incorporates the Findings of Fact of the Planning Commission attached as "Attachment A".



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

ISLAND COUNTY PLANNING COMMISSION

Dean Enell, Chairperson

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522 ■ from S. Whidbey (360) 321-5111

FAX: (360) 679-7306 ■ P. O. Box 5000, Coupeville, WA 98239-5000

Internet Home Page: <http://www.islandcountywa.gov/>

~FINDINGS AND CONCLUSIONS~

TO: Board of Island County Commissioners
FROM: Island County Planning Commission
DATE: May 23, 2016
REGARDING: The Urban Growth Area Boundaries and Joint Planning Area Overlays for the 2016 Comprehensive Plan Update

SUMMARY

Island County is required to review their Urban Growth Areas as a part of the 2016 Comprehensive Plan Update. The Countywide Planning Policies also direct the County to develop JPA overlays as a part of this update process. Based on the review conducted, the public and municipal feedback received to date, and the discussion by the Board of Island County Commissioners and Planning Commission at several open public meetings, draft maps have been prepared for inclusion in the Draft Comprehensive Plan for public review and comment.

In addition, Planning and Community Development will be drafting a Resolution of Substantial Progress to send to the Department of Commerce prior to June 30, 2016. Part of this Resolution should include draft UGA Boundaries and JPA Overlays as part of the demonstration of substantial progress on the update of the Island County Comprehensive Plan for the 2016 periodic update cycle.

FINDINGS OF FACT

1. Island County conducts planning activities in accordance with RCW 36.70, the Planning Enabling Act.

2. The Washington State Legislature passed the Growth Managing Act (GMA) in 1990 to guide the development and adoption of comprehensive plans and development regulations of those counties required to plan under RCW 36.70A.040.
3. Island County is required to plan under the GMA.
4. RCW 36.70A.130(3)(b) requires UGAs to be revised to accommodate the urban growth projected in the succeeding twenty-year period.
5. Goal 1 of the GMA states Island County should "encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner."
6. Goal 2 of the GMA states Island County should "reduce the inappropriate conversion of undeveloped land into sprawling, low-density development."
7. Goal 12 of the GMA states Island County should "ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards."
8. RCW 36.70A.110(1) requires Island County to designate urban growth areas in which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.
9. RCW 36.70A.110(2) states Island County shall include areas sufficient to permit the twenty-years of urban growth that is projected based on the growth management population projections made by the Office of Financial Management.
10. RCW 36.70A.110(2) allows counties to use discretion in accommodating growth and determining a reasonable land market supply factor using local circumstances.
11. RCW 36.70A.110(3) states "urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas."
12. The GMA requires that counties subject to the GMA adopt Countywide Planning Policies (CWPP) and further requires that these policies be developed with the cooperation of the municipalities within the county as per RCW 36.70A.210(2).
13. In order to address the requirements of the GMA, Island County, and the jurisdictions within Island County first adopted CWPPs in 1992 which were subsequently revised in 1998 and 1999.

14. In 1998, the Board of Island County Commissioners approved Ordinance C-123-98, which designated urban growth areas for Oak Harbor, Coupeville and Langley, and designated Freeland as a Rural Area of More Intense Development (RAID).
15. On December 10, 2007, the Board of Island County Commissioners adopted the initial Freeland Subarea Plan and designation of Freeland as an NMUGA.
16. On August 14, 2008, the Washington Supreme Court ruled, in case No. 80115-1, that UGAs must be large enough to accommodate the projected population increase, and cannot exceed the amount of land necessary to accommodate the urban growth projections, plus a reasonable land market supply factor.
17. On April 1, 2013, Island County Planning & Community Development staff reached out to Oak Harbor, Coupeville and Langley to form an Intergovernmental Working Group (IWG) to better coordinate with the jurisdictions on the 2016 Comprehensive Plan update process, including updating the CWPP and population projections.
18. On November 3, 2015, the Board of Island County Commissioners approved Ordinance C-100-15 revising the CWPP.
19. The updated CWPPs created a methodology, CWPP 3.3.4 and Appendix A, to guide future population projections and allocations to ensure consistency in addressing future growth needs.
20. The 2036 Island County population growth projection is estimated at 9,411, as adopted in Resolution C-76-13; and
21. CWPP 3.3.9 allows UGAs to be reduced in size if population estimates or allocations indicate the UGA is larger than necessary to accommodate a 20 years supply of buildable lands, densities with the UGA have been increased such that the UGA is larger than necessary to accommodate a 20 year supply of buildable lands, or urban services cannot reasonably be provided to the area included in the proposed UGA.
22. The Planning Commission finds that Island County Planning & Community Development conducted a Buildable Lands Analysis which determined that:
 - a. Oak Harbor's UGA had adequate land to accommodate the 20 years of allocated growth and employment; and
 - b. Coupeville's UGA had adequate land to accommodate the 20 years of allocated growth, with a slight deficiency in land available for employment; and
 - c. both the Langley UGA and the Freeland NMUGA had excessive capacity to accommodate the 20 years of allocated growth and employment, and a reduction in those UGAs to be necessary.

23. CWPP 3.2 states the County shall designate Potential Growth Areas (PGA) and areas of Long-Term Rural Significance (LRS) within the Joint Planning Areas (JPA) to guide and control future development and Urban Growth Area (UGA) expansions, and these shall be adopted as Comprehensive Plan Overlays which will apply in addition to any underlying comprehensive plan or zoning.
24. CWPP 3.3.6 established a process of prioritizing which areas within the JPA, the UGA should be expanded into first, designated as PGA, which areas should be expanded into second, undesignated areas, and which areas should be expanded into last, designated as LRS.
25. The Planning Commission finds that Island County Planning & Community Development worked with the Intergovernmental Working Group (IWG), which consisted of staff from Oak Harbor, Coupeville and Langley, and held 19 meetings to discuss updates to the CWPPs, population projections, JPA designations and UGA boundaries for the 2016 Comprehensive Plan update.
26. The Planning Commission finds that Island County Planning & Community Development held 6 community meetings in Oak Harbor, Coupeville, Freeland and Langley to discuss JPA overlays and UGA boundaries for the 2016 Comprehensive Plan update, where general support was received for:
 - a. the reduction of the Langley UGA; and
 - b. the reduction of the Freeland UGA to "the smallest feasible size"; and
 - c. the removing the Coupeville JPA.
27. The Planning Commission finds that on April 18, 2016, the Langley City Council submitted to the County their recommendations for JPA designations.
28. The Planning Commission finds that on April 22, 2016, the Mayor of Coupeville submitted a letter to the County approving the removal of the Coupeville JPA.
29. The Planning Commission finds that the draft UGAs mapped as Exhibits A, B, C and D are sufficient to permit the twenty-years of urban growth that is projected based on the growth management population projections and should be incorporated in the Draft Comprehensive Plan for public review and comment.
30. The Planning Commission finds that the JPA mapped in Exhibit G will be removed and the interlocal agreement between Island County and the Town of Coupeville adopted in 2002 by Ordinance C-02-02 will be amended to allow the reestablishment of a JPA if deemed necessary.
31. The Planning Commission finds that that it would be beneficial to the process to review all requests and amendments to these maps and the related analysis of impacts after the completion of the public review period, and changes, if any, would be made at that time to create the final UGA boundaries and JPA overlays, which will be established with the adoption of the 2016 Island County Comprehensive Plan

32. The Planning Commission finds JPAs may be reevaluated when necessary with Comprehensive Plan Updates.

CONCLUSION

The Island County Planning Commission has reviewed the maps enclosed as Exhibits A-G and hereby recommends that the Board of County Commissioners adopt a resolution directing Island County Planning and Community Development to:

- Incorporate the UGA boundaries and JPA overlays enclosed hereto as Exhibits A-F into the Draft Island County Comprehensive Plan for public review and comment;
- Include the approval of these draft maps in the Resolution of Substantial Progress to the Washington State Department of Commerce; and
- Amend the interlocal agreement with the Town of Coupeville to remove the JPA enclosed hereto as Exhibit G and outline a process for establishing a future JPA as deemed necessary.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this _____ day of _____, 2016 by,

Dean Enell
Chair, Island County Planning Commission

Enclosures:

- Exhibit A - Map of Oak Harbor Urban Growth Area
- Exhibit B - Map of Coupeville Urban Growth Area
- Exhibit C - Draft Map of 2016 Freeland Non-Municipal Urban Growth Area
- Exhibit D - Draft Map of 2016 Langley Urban Growth Area
- Exhibit E - Draft Map of 2016 Oak Harbor Joint Planning Area Overlay Designations
- Exhibit F - Draft Map of 2016 Langley Joint Planning Area Overlay Designations
- Exhibit G - Map of Coupeville Joint Planning Area (Proposed To Be Removed)

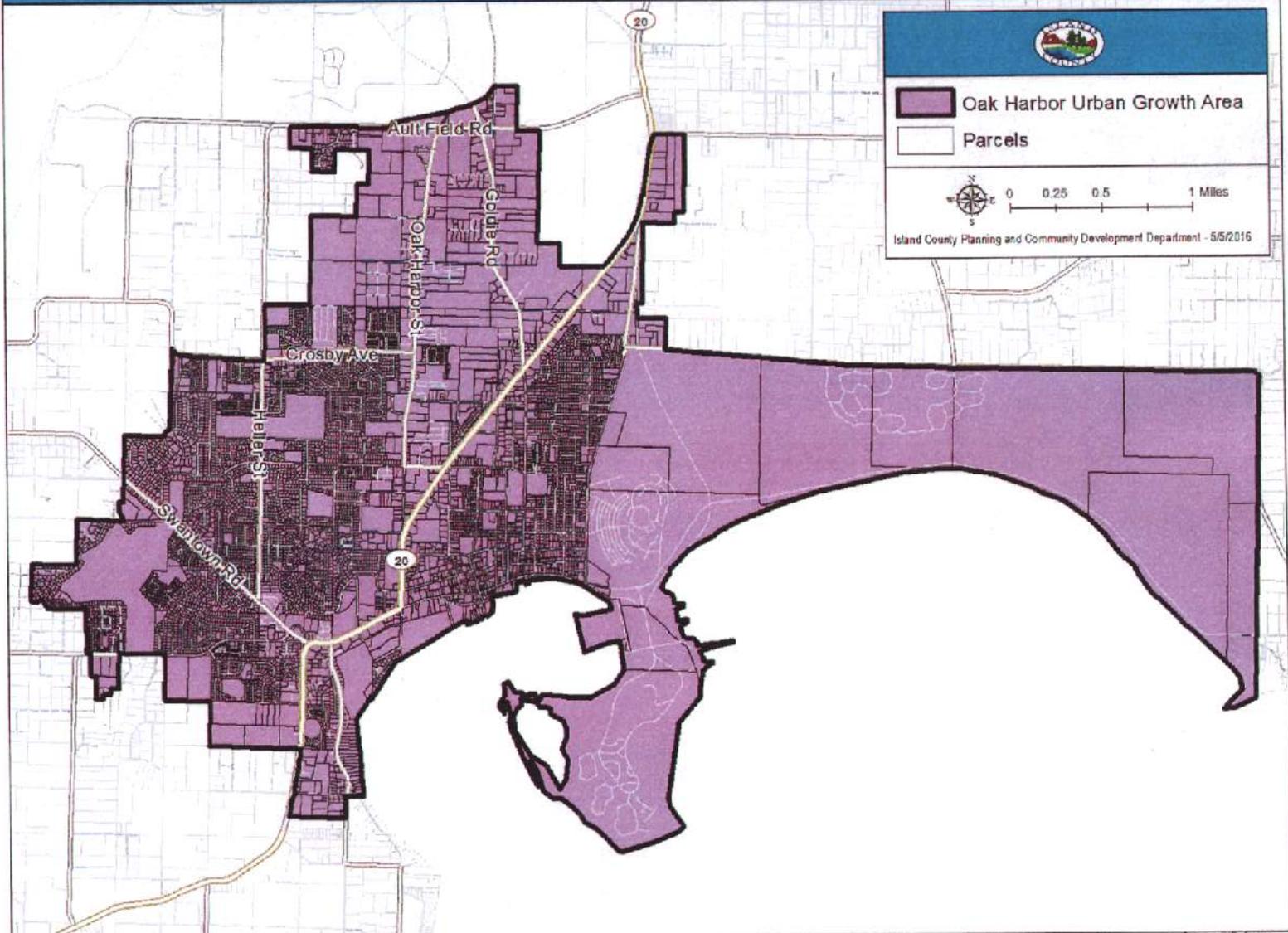
C-74-16
Pg 12

EXHIBIT A

Oak Harbor Urban Growth Area

Oak Harbor Urban Growth Area

Island County Comprehensive Plan 2016



This map is intended to be used as a GUIDE. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

C-74-16
Pg 14

EXHIBIT B

Coupeville Urban Growth Area (Town Boundaries)

C-74-16
Pg 14

EXHIBIT C

Draft Map of 2016 Freeland Non-Municipal Urban Growth Area

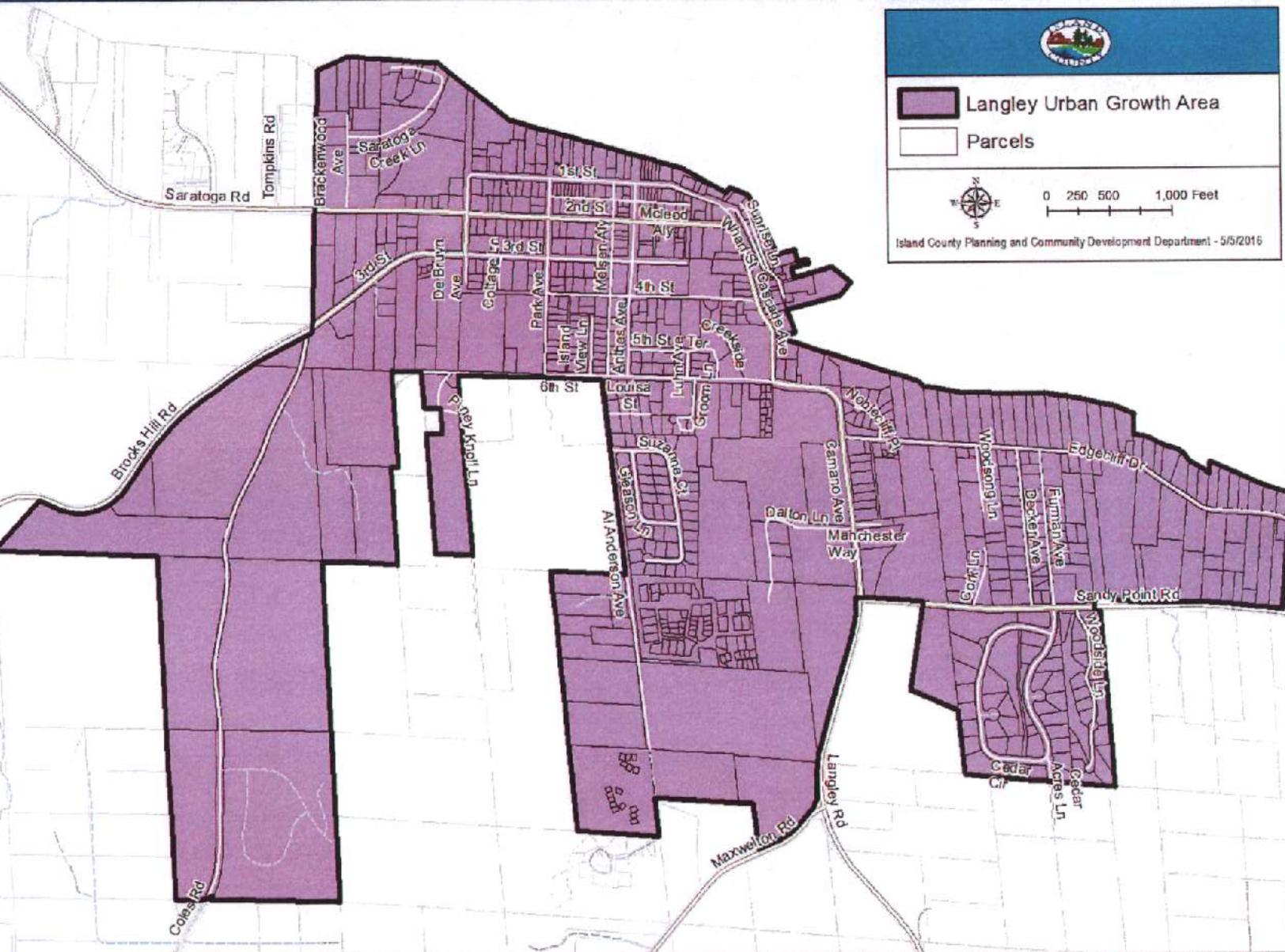
C-74-16
P918

EXHIBIT D

Draft Map of 2016 Langley Urban Growth Area

Draft Map of 2016 Langley Urban Growth Area

Island County Comprehensive Plan 2016




Langley Urban Growth Area
 Parcels


 0 250 500 1,000 Feet

Island County Planning and Community Development Department - 5/5/2016

This map is intended to be used as a GUIDE. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

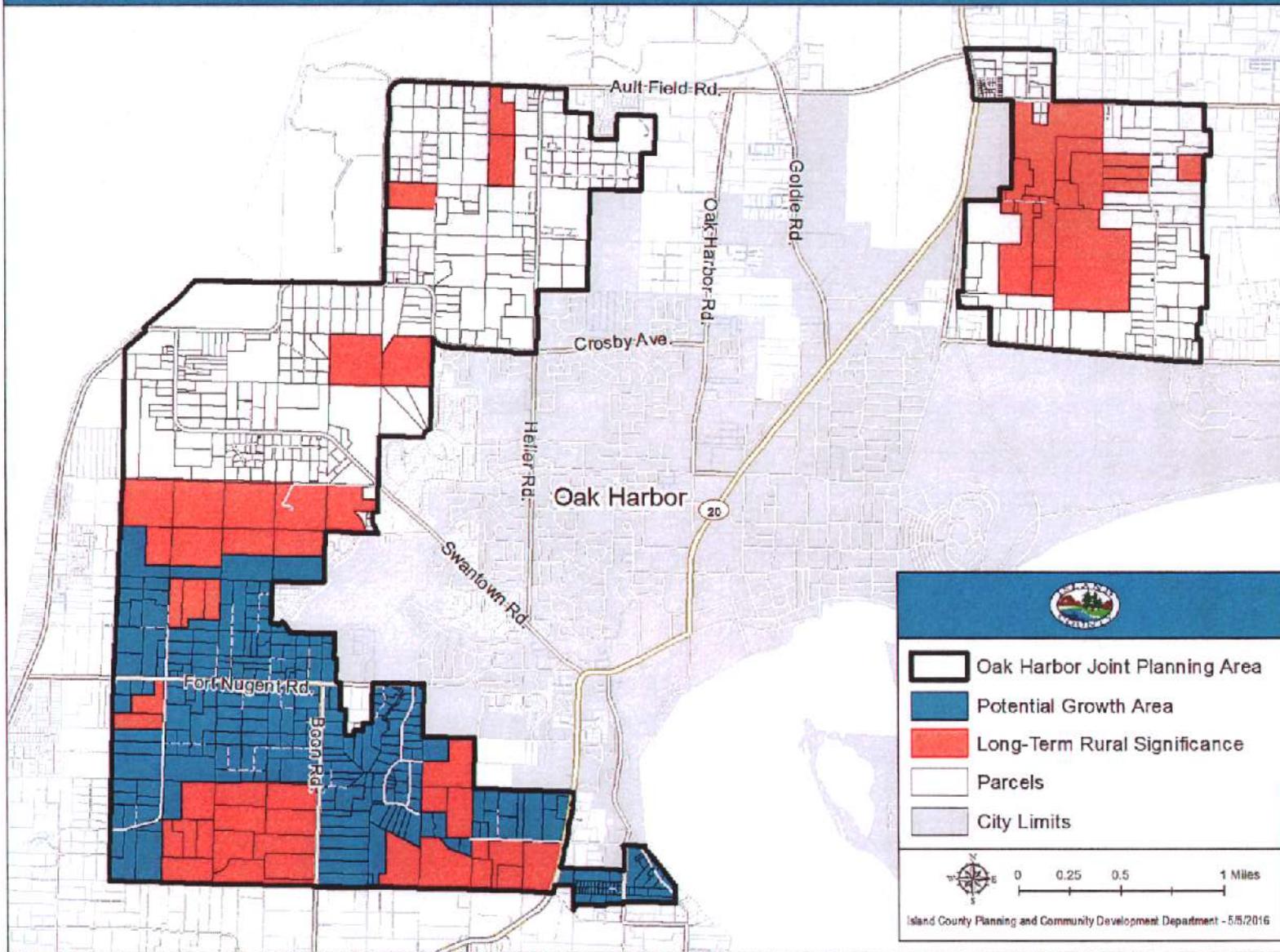
C-74-16
Pg 20

EXHIBIT E

Draft Map of 2016 Oak Harbor Joint Planning Area Overlay Designations

Draft Map of 2016 Oak Harbor Joint Planning Area Overlay Designations

Island County Comprehensive Plan 2016



This map is intended to be used as a guide. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

C-74-14
Pg 22

EXHIBIT F

Draft Map of 2016 Langley Joint Planning Area Overlay Designations

Draft Map of 2016 Langley Joint Planning Area Overlay Designations

Island County Comprehensive Plan 2016

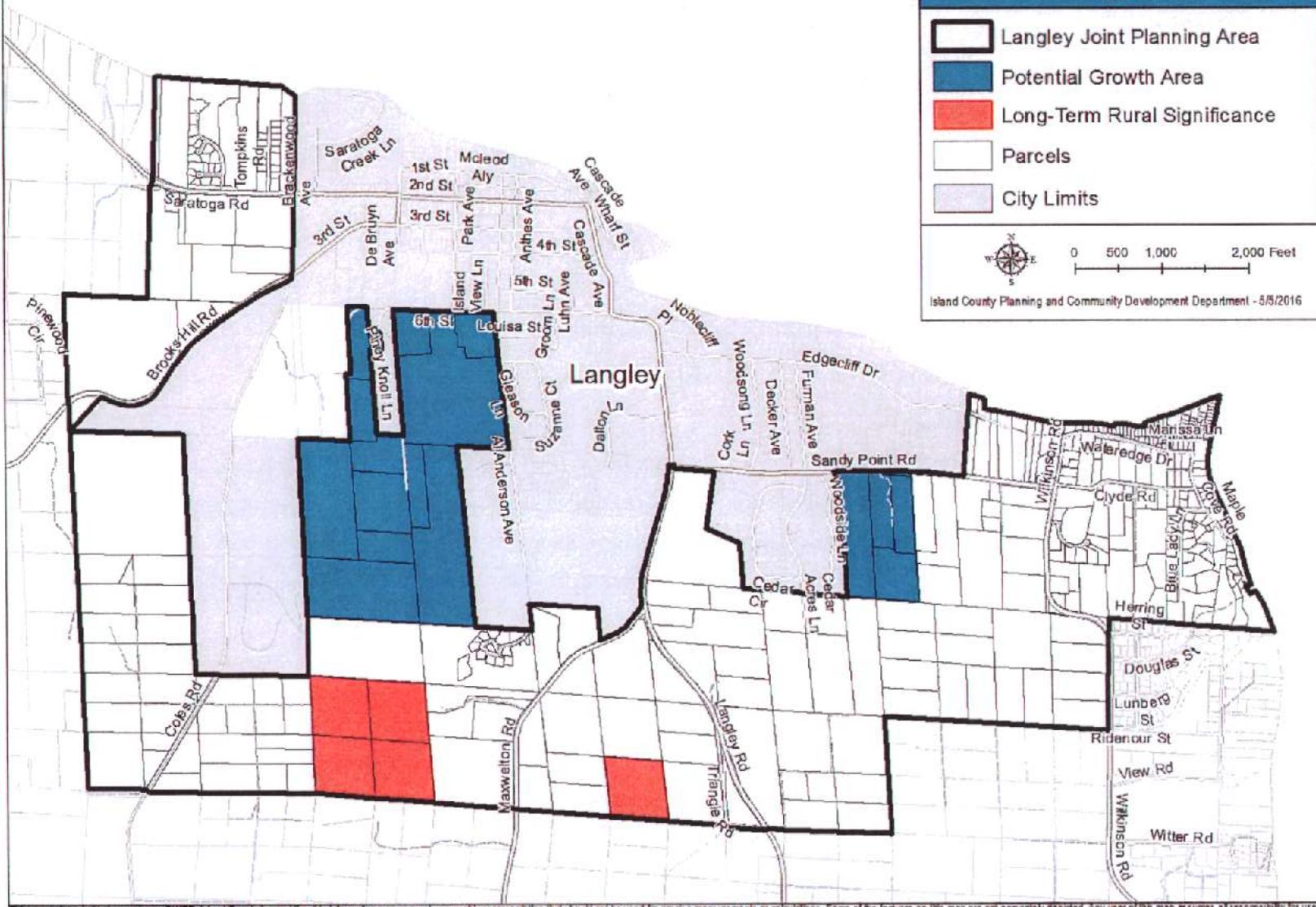


- Langley Joint Planning Area
- Potential Growth Area
- Long-Term Rural Significance
- Parcels
- City Limits



0 500 1,000 2,000 Feet

Island County Planning and Community Development Department - 5/5/2016



This map is intended to be used as a GUIDE. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

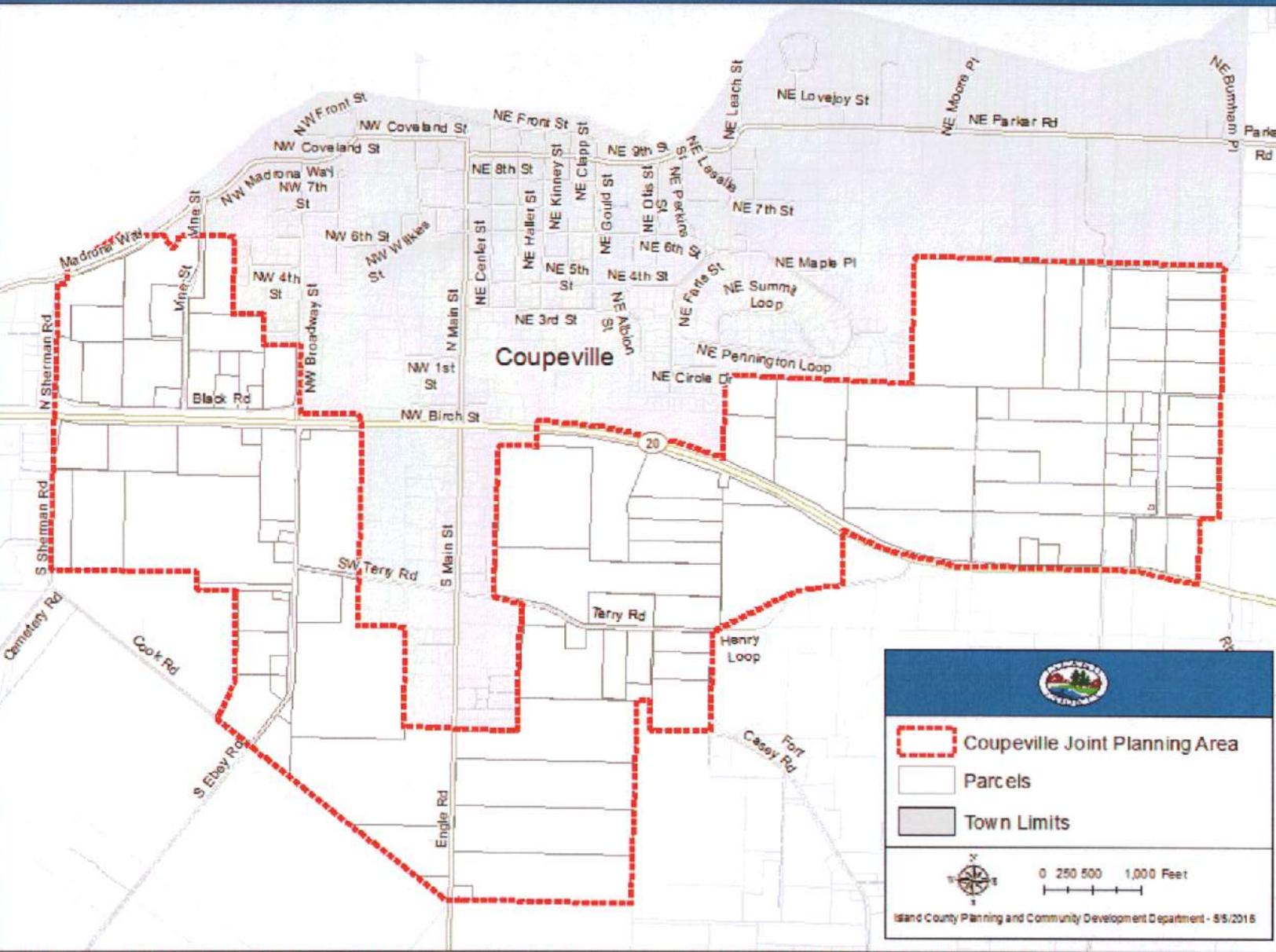
C-7414
Pg 24

EXHIBIT G

**Map of Coupeville Joint Planning Area
(Proposed To Be Removed)**

Coupeville Joint Planning Area - To Be Removed

Island County Comprehensive Plan 2016



This map is intended to be used as a GUIDE. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.



ISLAND COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA BILL

MEETING DATE: 6/14/16
Agenda Item No 6
CONSENT AGENDA
REGULAR AGENDA
X PUBLIC HEARING/MTG
Resolution/Ordinance No:
C-61-16

DEPARTMENT: Sheriff

DIVISION: *(if applicable)*

STAFF CONTACT: Wylie Farr

AGENDA SUBJECT:
10:15 a.m. Public Hearing: Ordinance C-61-16 Amending Island County's Fireworks Chapter 9.08A and Burn Ban Chapter 14.03B.

BACKGROUND/SUMMARY: **WORK SESSION DATE:** *(if applicable)* 5/18/16

The ordinance would limit the use and discharge of consumer fireworks in unincorporated Island County and authorize the Island County Sheriff, acting as the Island County Fire Marshal, to temporarily ban use and discharge of fireworks in severe dry weather conditions in unincorporated Island County. The Board originally considered the ordinance at public hearing on April 5, 2016 but no action was taken at that time. Instead, revision was requested to include a definition of severe dry weather conditions.

FISCAL IMPACT/FUNDING SOURCE:

RECOMMENDED ACTION:

Approve/Adopt
 Schedule Public Hearing/Meeting
 Continue Public Hearing/Meeting
 Information/Discussion
 Other *(describe)* _____

SUGGESTED MOTION:

[BELOW TO BE COMPLETED BY CLERK OF BOARD]

BOCC ACTION:

APPROVED
 DENIED
 TABLED/DEFERRED/NO ACTION TAKEN
 CONTINUED TO DATE: ____/____/____ TIME: _____
 OTHER _____

SHER-1

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING ISLAND
COUNTY'S FIREWORKS CHAPTER, 9.08A
AND BURN BAN CHAPTER, 14.03B.

ORDINANCE NO. C-61 -16

WHEREAS, in 1961, the State of Washington adopted the State Fireworks Law;

WHEREAS, in 1982, the Washington State Legislature adopted Substitute House Bill 1149 which significantly amended the 1961 State Fireworks Law;

WHEREAS, pursuant to RCW 70.77.250(4), the State Fireworks Law as amended provides that a county may adopt an ordinance imposing more restrictive regulations than the state fireworks laws but such regulations that are more restrictive than the state fireworks laws shall have an effective date no sooner than one year after its adoption;

WHEREAS, the Board of County Commissioners ("Board") has determined it to be in the best interests of the citizens of Island County, pursuant to the Washington State Constitution Article XI, Section 11, RCW 36.32.120(7), and RCW 70.77.250(4), to limit the use and discharge of consumer fireworks in unincorporated Island County to only those times as shown on Exhibit "A" attached herein beginning July 3 and ending July 5 and also on New Year's Eve as allowed per state law;

WHEREAS, the Board has also determined it to be in the best interests of the citizens of Island County to authorize the Island County Sheriff, acting as the local fire official pursuant to chapter 70.77 RCW, and also acting as the Island County Fire Marshal to temporarily ban the use and discharge of fireworks in severe dry weather conditions, with limited exceptions, in unincorporated Island County, through the issuance of a Type II burn ban, after first consulting with the fire officials from the other fire districts in Island County, in order to protect public health and safety of the people and property of the county from the dangers posed by fireworks;

NOW, THEREFORE,

IT IS HEREBY ORDAINED that the Board hereby adopts the amendments to chapters 9.08A and 14.03B of the Island County Code as shown on Exhibit "A." Material underlined is added and stricken material is removed.

ADOPTED this ____ day of _____, 2016 following public hearing. Pursuant to RCW 70.77.250(4), the provisions of this ordinance that regulate fireworks in a manner more restrictive than the state fireworks law shall take effect one year from the date of adoption. The Island County Sheriff shall have the authority effective immediately to issue a Type I burn ban and Type II burn ban, except that any Type II burn ban issued within one year from the date of adoption of this ordinance does not include any regulations on fireworks in a manner more restrictive than state law for at least one year from the date of adoption.

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

Richard M. Hannold, Chair

Jill Johnson, Member

Helen Price Johnson, Member

ATTEST:

Debbie Thompson
Clerk of the Board

Approved as to Form:


Daniel B. Mitchell
Deputy Prosecuting Attorney and
Code Reviser

Exhibit "A"

Chapter 9.08A - Fireworks

Sections:

9.08A.010 **Fireworks regulations.**

9.08A.020 **Local fire official.**

9.08A.030 **Definitions.**

9.08A.040 **Limitations on the use and discharge of fireworks.**

9.08A.050 **Fireworks may be prohibited during severe dry weather conditions.**

9.08A.060 **Seizure and forfeiture of fireworks.**

9.08A.070 **Enforcement.**

9.08A.080 **Violations and penalties.**

9.08A.090 **Severability.**

9.08A.010 **Fireworks regulations.**

Fireworks in Island County are governed by the state fireworks law, chapter 70.77 RCW, and accompanying state regulations provided in chapter 212-17 WAC, as well as by this chapter. The more restrictive provisions apply, in case of any conflict between state and local regulations.

9.08A.020 **Local fire official.**

In unincorporated Island County, the local fire official, as that term is defined in RCW 70.77.177, is the Island County Sheriff or his or her designee and the local fire authority for purposes of this chapter is the Island County Sheriff's Office.

9.08A.030 **Definitions.**

The definitions in chapter 70.77 RCW are incorporated herein. Also, the following definitions apply to this chapter:

Severe dry weather conditions means weather conditions that are so severe and dry that the Island County Fire Marshal may determine it appropriate to issue a Type II Burn Ban. The following criteria may be taken into consideration, but are not limited to: fuel moisture levels; predicted relative humidity; predicted temperature; predicted winds; drought scale; wildfire response level and impact of fire resources, as well as other criteria that may assist the Fire Marshal in making his or her determination.

9.08A.040 **Limitations on the use and discharge of fireworks.**

A. Except as provided for in subsection B below, consumer fireworks may only be lawfully used or discharged within the unincorporated areas of Island County, except within Island County park areas as prohibited in ICC 9.40.420, during the following periods of time:

July 3 - between 9:00 a.m. and 11:00 p.m.

July 4 - between 9:00 a.m. and 12 midnight

July 5 - between 9:00 a.m. and 11:00 p.m.

December 31 - between 6:00 p.m. through 1:00 a.m. on January 1.

It is unlawful to use or discharge fireworks in Island County at all other times, except as may be provided in subsections B and C below.

B. If the Island County Fire Marshal has declared a Type II burn ban which includes a ban on the use and discharge of all fireworks in unincorporated Island County to be in effect during any of the time periods otherwise allowed in subsection A above, then it shall be unlawful to use or discharge consumer fireworks during those times in unincorporated Island County while the Type II burn ban is in effect, unless the use and discharge of such fireworks are authorized by a permit issued by the local fire official pursuant to ICC 9.08A.040.D as provided below.

C. The restrictions on the use and discharge of fireworks above shall not apply:

1. To the use of flares or fuses by motor or sail vessels or other transportation agencies for signal or illumination purposes or for use in forest protection activities as allowed under RCW 70.77.530 or those uses described in RCW 70.77.311;

2. To the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio or television productions, or live entertainment such as theater and opera productions when such use and display is a necessary part of the production as authorized by RCW 70.77.146 and such person possesses a valid permit issued by the local fire official and meets the requirements of this chapter and RCW 70.77.535;

3. To the public display of fireworks authorized by permit issued by the local fire official; or

4. To the sale and use of toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick or novelty devices not classified as consumer fireworks.

D. To obtain a permit as referenced in ICC 9.08A.040.C.2 and 3, a permit application must include the following, in addition to any other requirement imposed in chapter 70.77 RCW, chapter 212-17 WAC, or as required to be provided on the face of the permit application required by the Island County Sheriff's Office:

1. Must include a site plan of the surrounding area from the discharge point of the fireworks;
2. Must include the name and license number of the licensed pyrotechnic operator;
3. Must include proof of insurance and/or bond as required by law; and
4. Must include a description of the firework display and what will be used in the display.

9.08A.050 Fireworks may be prohibited during severe dry weather conditions.

During periods of severe dry weather conditions, the Island County Fire Marshal may declare and issue a temporary ban on the use and discharge of consumer fireworks in unincorporated Island County

due to the heightened fire dangers. This decision will be made by the Island County Fire Marshal after consultation with the representatives of the fire districts in Island County, and departments of Island County, including the Board of Island County Commissioners. The Island County Fire Marshal can lift the ban at his or her discretion. The Island County Fire Marshal may issue such a temporary ban on the use and discharge of consumer fireworks in the unincorporated areas of Island County by issuing a Type II burn ban as authorized by chapter 14.03B of the Island County Code.

9.08A.060 Seizure and forfeiture of fireworks.

The local fire official, or designee, or any law enforcement officer may seize any fireworks if such fireworks are being used or discharged, and fireworks which are part of the same group of fireworks being used or discharged, in violation of the provisions of chapter 70.77 RCW, or the more restrictive provisions of this chapter. If fireworks are seized and subsequently forfeited, then the disposal and sale of such fireworks must be done in accordance with RCW 70.77.440.

9.08A.070 Enforcement.

The Island County Sheriff acting as the local fire official, or any law enforcement officer, is a law enforcement officer within the meaning of chapter 7.80 RCW and is authorized to enforce all provisions of this chapter and he/she may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the local fire official or his/her designee.

9.08A.080 Violations and penalties.

Any person violating or failing to comply with any provisions of this chapter is guilty of a Class I infraction and subject to a fine of up to \$250.00.

9.08A.090 Severability.

If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance codified in this chapter and the applicability thereof to other persons and circumstance shall not be affected thereby.

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Chapter 14.03B – Burn Ban

Sections:

- 14.03B.010 Findings.
- 14.03B.020 ~~Burn-ban-defined~~ Definitions.
- 14.03B.030 Proclamation of burn ban.
- 14.03B.040 Public notice.
- 14.03B.050 Duration.
- 14.03B.060 Territory covered.
- 14.03B.070 Effect of burn ban on burning permits.
- 14.03B.080 Penalty.
- 14.03B.090 Enforcement authority.

14.03B.010 - Findings.

The Board of County Commissioners of Island County, Washington, finds that outdoor burning under hot and dry atmospheric conditions or other local circumstances may create an unsafe risk of spread of fire. This chapter providing for a burn ban is in the interests of the public safety and welfare by reducing the risk of spread of fire.

14.03B.020 – ~~Burn-ban-defined~~ Definitions.

~~Burn ban means a prohibition on the kindling, igniting, maintaining, or permitting of any bonfire or rubbish fire out of doors. A rubbish fire includes, but is not limited to, a fire within an outdoor burn barrel. A fire, the primary purpose of which is cooking, which is contained within a metal, stone, brick, or other nonflammable enclosure, is not a prohibited fire. The burn ban does not include any fire which is permitted by or within the regulation of the Department of Natural Resources of the State of Washington.~~

Burn Ban – Type I includes a ban on all outdoor burning in unincorporated Island County except for recreational fires that occur in designated areas or on private property with the owner's permission. Type I burn bans also do not apply to the use and discharge of consumer fireworks in compliance with chapter 9.08A ICC or chapter 70.77 RCW. The use of barbeque grills using propane or briquettes, or self-contained camp stoves are exempt from Type I burn bans.

Burn Ban – Type II includes a ban on all outdoor burning in unincorporated Island County including a ban on recreational fires that were otherwise exempt from a Type I burn ban and including a ban on the use and discharge of consumer fireworks, unless the use and discharge of such fireworks are authorized by a permit issued by the local fire official pursuant to chapter 9.08A ICC. The use of barbeque grills using propane or briquettes, or self-contained camp stoves are exempt from Type II burn bans. A Type II burn ban may not regulate fireworks in a manner more restrictive than chapter 70.77 RCW until at least one year from the date of adoption of the ordinance that authorized the inclusion of fireworks in a Type II burn ban.

Island County Fire Marshal is currently the Island County Sheriff or his or her designee.

Outdoor burning means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

Recreational fire means cooking fires, campfires, and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal purposes are not considered recreational fires. (WAC 173-425-030(21)).

Severe dry weather conditions means weather conditions that are so severe and dry that the Island County Fire Marshal may determine it appropriate to issue a Type II Burn Ban. The following criteria may be taken into consideration, but are not limited to: fuel moisture levels; predicted relative humidity; predicted temperature; predicted winds; drought scale; wildfire response level and impact of fire resources, as well as other criteria that may assist the Fire Marshal in making his or her determination.

14.03B.030 Proclamation of burn ban.

- A. The Island County Sheriff Fire Marshal shall have authority to proclaim a Type I burn ban when atmospheric conditions or other local circumstances create a risk of spread of fire or other hazardous condition. During periods of severe dry weather conditions, the Island County Fire Marshal may determine that a temporary ban on small recreational fires and a temporary ban on the use and discharge of consumer fireworks in unincorporated Island County is appropriate. The Island County Fire Marshal shall have the authority to declare a Type II burn ban, but only after proper consultation as required in ICC 9.08A.050. A Type II burn ban will not apply to the use and discharge of such fireworks that are authorized by a permit issued by the local fire official pursuant to chapter 9.08A ICC.
- B. The burn ban order shall be in writing, signed by the Sheriff Island County Fire Marshal, and kept on file for public inspection in the offices of the Island County Fire Marshal Sheriff and county auditor. Additional copies may be distributed in the discretion of the Island County Fire Marshal Sheriff to facilitate knowledge of the burn ban and facilitate enforcement.

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14.03B.040 Public Notice.

The Island County Fire Marshal Sheriff shall cause notice of the either a Type I or Type II burn ban to be made to at least one (1) newspaper and at least one (1) radio or television station serving the territory covered by the ban. The Sheriff Island County Fire Marshal may take other discretionary steps to publicize the Type I or Type II burn ban. A Type I burn ban shall clearly state on the ban that it exempts recreational fires as defined in chapter 14.03B of the Island County Code as well as the use and discharge of consumer fireworks. A Type II burn ban shall clearly state on the ban that it includes a ban on all recreational fires, as well as a ban on all consumer fireworks, in unincorporated Island County unless the use and discharge of such fireworks are authorized by a permit issued by the local fire official pursuant to chapter 9.08A ICC.

14.03B.050 Duration.

- A. The A Type I burn ban shall be effective immediately upon issuance and filing in the office of the Sheriff Island County Fire Marshal, unless a later effective date is set in the written order. However, a Type II burn ban, which includes a ban on the use and discharge of consumer fireworks in unincorporated Island County, may not be issued until one year after the adoption date of the ordinance amending this section in accordance with RCW 70.77.250(4). After such one (1) year period, a Type II burn ban that is

issued shall be effective immediately upon issuance and filing in the office of the Island County Fire Marshal, unless a later effective date is set in the written order.

B. ~~The order for~~ Type I or Type II burn ban shall specify a termination date which may not be later than ~~thirty (30)~~ sixty (60) days after the effective date of the ban, and if no termination date is specified, the duration shall be ~~thirty (30)~~ sixty (60) days.

C. The Island County Fire Marshal ~~Sheriff~~ may terminate the a Type I or Type II burn ban at an earlier date by written order.

D. ~~The A~~ Type I or Type II burn ban may be renewed for succeeding periods up to ~~thirty (30)~~ sixty (60) days in the same manner as provided for establishing a burn ban.

14.03B.060 Territory covered.

The order establishing the a Type I or Type II burn ban shall specify the territory covered, which may be any of the following, but no other: all of unincorporated Island County, all of unincorporated Whidbey or Camano Islands, or the entirety of the unincorporated portion of a fire protection district. The territory covered by the a Type I or Type II burn ban does not include any territory or lands within the exclusive jurisdiction of the Department of Natural Resources of the State of Washington for fire regulation or fire protection purposes, or other state or federal lands that are governed by separate state and/or federal regulations.

14.03B.070 Effect of burn ban on burning permits.

A Type I or Type II burn ban voids any previously issued burning permit issued under chapter 14.03D ICC for permission to burn during the duration of the burn ban. When the burn ban terminates, any remaining period of a burning permit is effective.

14.03B.080 Penalty.

Any person, firm, or corporation which violates an order for a Type I or Type II burn ban commits a Class ~~2~~ 1 civil infraction, as established by ~~C~~chapter 7.80 RCW . . .

14.03B.090 Enforcement authority.

The Island County Fire Marshal ~~Sheriff~~ and his or her designees~~deputies~~, and any other law enforcement officer or Island County code enforcement official are enforcement officers within the meaning of ~~C~~chapter 7.80 RCW. This provision shall not limit any other authority of these persons.