

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - AUGUST 2, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 2, 1999, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and William F. Thorn, Member, present.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.) # 55257-55552.....\$451,876.70.** Additionally, the Board approved the June and July, 1999 payroll.

Hiring Requests & Personnel Actions

Dick Toft, Human Resources Director, presented for the Board's consideration, two Personnel Action Authorizations, recommending approval. The Board, by unanimous motion, approved the following:

Dept. PAA # Description Action Eff. Date

Prosecutor 076/99 Legal Sec/Dist Ct. #18.13.00 Replacement 8/9/99

Pub. Def. 077/99 Vol. Prog. Asst. #1908.00 Incr. hours 8/2/99

Special Occasion Liquor License , Whidbey Island Celtic Society

By unanimous motion, the Board voted to send a favorable recommendation to the Washington State Liquor Control Board for Special Occasion Liquor License #090293 by the Whidbey Island Celtic Society for an event to be held on August 14, 1999, at the Greenbank Farm, subject to the conditions as outlined by the Island County Sheriff.

Contract #HD-06-99 WITH DSHS FOR Early Intervention Services

The Board, by unanimous motion, approved Contract # HD-06-99 between Island County and the State Department of Social and Health Services representing Early Intervention Services in the amount of \$9,167, the contract previously discussed at recent staff session.

AG ADVISORY COMMITTEE

Last week the Board adopted the Agricultural Remand Mission Statement and named members to the Committee, leaving 3 or more appointments to be named today representing Island County farmers. The Board, by unanimous motion, named the following to serve on the Committee:

Ken Danielson, Camano Dairy Farmer

Roger Nelson, Camano Realtor/Farm Family

Molly Petersons, Subscription Farmer.

Commissioner McDowell suggested consideration that Don Meehan, the County WSU Extension Agent, who was appointed to the Committee last week, serve as a non-voting member inasmuch as he represents staff from the County. Commissioner Thorn indicated he would bring the matter up at the Committee's meeting for discussion.

PUBLIC INPUT/COMMENTS

John Graham, Clinton

John Graham, Clinton, leader of the Citizens Growth Management Coalition, but indicated today he was speaking for himself since he did not have an opportunity to review his comments with the Coalition ahead of time, brought up a question about the proposed Ordinance on Mineral Lands which in his view, was remiss in one very serious aspect: criteria are not the same as guidelines. The criteria for mineral lands are only a reference to WAC. The WAC in this case is not criteria, but rather guidelines. One of the guidelines in the WAC is how close are the houses to the proposed mine and one of the problems is that if this is accepted as criteria, in the future will be wide open to misuse, and he was sure the Board did not intend that. He thought the County was nine-tenths of the way there, and had just stopped ten yards from the goal line as far as future deposits. There needs to be some side boards to protect other neighboring property values and environmental values in the future.

Another issue related to the Mission Statement for the AG Advisory Committee. The problem is that A and B in the Mission Statement ask the wrong questions because there are no sideboards.

Question A under Issue #1: "Do parcels smaller than 40 acres in size need to be conserved for long term commercial production?" Finding of Fact #8 by the Growth Board indicates that the County absolutely must look at smaller farms, that the 40 acres cannot stand.

Question B under Issue #1: "Is requiring that 50% of the Farm Unit be composed of prime soils an inappropriate designation criterion? " The Growth Board decision is in the affirmative, that prime soils cannot be used as an exclusionary criteria.

Mr. Graham was concerned about what he saw as the "lawyering up" by the County, and thought it a far better idea to continue talking, suggesting perhaps the Commissioners placed too much responsibility with their lawyers. He pointed out things had been done right twice: first, last summer when CSD and the Coalition talked to the Commissioners directly, developed a good PRD policy, a good compromise; second, last May looking at rural uses and standards that resulted in something even the Property Rights Alliance basically bought off on. Communications now, in his view, shut down, and he felt part of the problem was the remands, the other, the County's application to Superior Court. The County's Superior Court brief asks why the County should protect small farms that arise from the individual lifestyles of specific owners, which to him undermines an important aspect, which is to honor, respect and protect small farms, which are not lifestyle choices but people who are making a living. Commercial AG lands have to be protected and then deal with the interface between those AG lands and the neighboring properties. The County's brief directly challenges the Supreme Court "Redmond Decision" which says that the owners or the current use of the land cannot be used as an exclusionary criteria.

He suggested one of the Commissioners attend a Coalition meeting to sit down and talk about the County's intent. The Coalition's meeting tonight is a really serious one; the Coalition has until September 9th to decide whether to file a Superior Court brief of its own.

Commissioner McDowell did not see the committees as "a done deal". If there is a good solution as a result of committee work, to say the Commissioners would not consider that was certainly wrong from his perspective. From day one, he said the County would reserve the ability to go to court.

Chairman Shelton suggested that what needed to occur with the committee was that the criteria for the designation of rural and commercial AG land needs to be reassessed – re-look at the criteria.

Will Jones, Coupeville

Will Jones, Parker Road, Coupeville, directed a concern to the Board with respect to a proposal to establish a park and recreation district for the Central Whidbey area as noted in a recent article in the Whidbey Reporter. His concern was that these districts seemed to be a carving up of the County into these districts to provide park and recreational facilities facilities, and he thought it would be far better if park and recreation were addressed on a County-wide basis, and suggested impact fees as a means to provide the necessary funding to do so. As population increases the need grows, and he thought contractors and real estate folks could get behind an impact fee proposal for this purpose.

HEARING HELD: Franchise #305, Mecca Water Association, existing water distribution system and expansion

of system to provide

water to Stanwood School District's proposed new school

A Public Hearing was held, as scheduled and advertised, for the purpose of considering Franchise #305, Mecca Water Association, for an existing and expanding water distribution system.

Larry Kwarsick, Public Works Director, by way of a memorandum from Lewis J. Legat, P.E., Island County Engineer, dated July 19, 1999, reported favorable recommendation to approve as submitted, Franchise #305, Mecca Water Association, for an existing water distribution system and expansion of the system to provide water to Stanwood School District's proposed new school on Elger Bay Road. Lines are to be located in Elger Bay Road, Arrowhead Road, Mountain View, and Bartl Drive, Camano Island, Wa.

There were no comments for or against from members of the public at the time of hearing when the Chair called for public comments.

By unanimous motion, the Board approved Franchise #305, Mecca Water Association as submitted, for an existing water distribution system and expansion.

Resolution #C-94-99 [SW-04-99] Approving an Interfund Loan from the Island County Solid Waste Fund to the Island County Conservation Futures Fund for the Purchase of Iverson Property

The Board on July 26th approved Purchase and Sale Agreement with the Iversons and Frontier Bank acting as Trustee of the Living Trust of Edward and Edith Iverson. The Agreement contained several contingencies, one holding a public community meeting on Camano Island, and then the Board making a decision in resolution form that purchase of the property was consistent with the Natural Lands Plan, Comprehensive Plan and Conservation Futures Program, and is of public benefit. Last Wednesday using Commissioner Thorn's meeting forum, a public community meeting was held. Invitations were sent out by mail to landowners in proximity to the purchase. At least 46+ attended the meeting. There were a number of concerns expressed, mainly dealing with access, but despite those concerns, at the end of that meeting, it was Mr. Kwarsick's opinion there was overwhelming support by the community.

For the Board's approval, Mr. Kwarsick presented Resolution #C-94-99 [SW-04-99] in the matter of approving an Interfund Loan from the Island County Solid Waste Fund to the Island County Conservation Futures Fund for the Purchase of Iverson Property. Approval of this Resolution will lift the two contingencies, as well as to establish a short term loan between the Solid Waste Fund and Conservation Futures Fund for a period of five years to carry and finance the acquisition. The Conservation Futures Fund will be responsible for paying off the debt over the five year period.

The Board, by unanimous motion, approved of Resolution #C-94-99 [SW-04-99] in the matter of approving an Interfund Loan from the Island County Solid Waste Fund to the Island County Conservation Futures Fund for the purchase of the Iverson Property.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPROVING AN)	
INTERFUND LOAN FROM THE ISLAND COUNTY)	
SOLID WASTE FUND TO THE ISLAND COUNTY)	RESOLUTION C-94-99
CONSERVATION FUTURES FUND FOR THE PURCHASE OF)	SWA- <u>04-99</u>
IVERSON PROPERTY)	

WHEREAS, the Board of County Commissioners, in open public session on July 26, 1999 signed a contingent Real Estate Purchase and Sale Agreement for the purchase of the Iverson Property using Conservation Futures funds; and

WHEREAS, it is the desire of the Board to provide cash flow in the Conservation Futures Fund for other purchases; and

WHEREAS, there are funds available in the Solid Waste Fund; and

WHEREAS, regulations governing interfund loans require that they bear interest at a rate equal to the externally earned rate available to the County and that the term of the loan shall be for no more than five (5) years; and

WHEREAS, the Island County Treasurer oversees the status and disposition of interfund loans with the Island County Auditor recording the balance due at the end of each calendar year as a liability of the borrowing fund and a receivable of the source fund; and

WHEREAS, a public Community meeting was held on Camano Island on July 28, 1999 to present the County's purchase of the Iverson Property to the citizens of Camano Island, with special emphasis on discussing the proposal with adjacent residential shoreline property owners who received direct mailed notice of the public meeting, and

WHEREAS, the Board of Island County Commissioners has determined that the public acquisition of the Iverson Property purchase fulfills many of the goals and objectives of the County's Natural Lands, Growth Management Plan, and Conservation Futures Program such as preserving:

- Significant natural communities to retain living examples of natural ecosystems, furnish a baseline of ecological processes and function, and enhance and maintain the biodiversity of the region.
- Critical wildlife habitats in order to avoid the depletion of wildlife and to perpetuate and encourage a diversity of species in the County.
- Wetlands which are important to maintaining the overall balance of ecological systems.
- Environmental conservation areas in order to perpetuate those species, biological communities and ecological processes that function over large geographic areas and require a high degree of naturalness.
- Natural Shoreline systems such as lagoons, saltwater tidal flats, marshes and accretion beaches that serve a diversity of ecological functions.
- Protecting farmland and forests threatened by development.

NOW, THEREFORE, BE IT HEREBY RESOLVED that an interfund loan not to exceed \$640,000.00 is authorized from Fund 401 (Island County Solid Waste Fund) to Fund 132 (Island County Conservation Futures Fund) with interest charged at the rate earned by county funds in the State Investment Pool, said loan to be paid in full, in annual payments, within 5 years of the date of withdrawal of funds from the Solid Waste Fund. Direction for transfer of funds from the Solid Waste Fund to the Conservation Futures Fund for the interfund loan will be given to the Treasurer's Office by Public Works, and

BE IT FURTHER RESOLVED that contingencies 2 and 3 of the Real Estate Purchase and Sale Agreement signed by the Board on July 26, 1999 are hereby removed.

APPROVED AND ADOPTED this 2nd day of August, 1999

Board of County Commissioners

Island County, Washington

Mike Shelton, Chairman

Wm. L. McDowell, Member

ATTEST: Margaret Rosenkranz William F. Thorn, Member

Clerk of the Board

BICC 99-441

ADDENDUM #2 TO PURCHASE AND SALE AGREEMENT NO. 39867

for IVERSON PROPERTY PURCHASE

By unanimous motion, the Board approved the follow-on action relative to the Iverson Property Purchase, and approved Addendum #2 to the Purchase and Sale Agreement No. 39867, Title Report Ref. No. S-72762, amending Item 21 to make sure that within special warranty deed conveyed to the County includes the existing drainage system and dike.

Settlement Agreement - Island County v. Delbert Pfeifer, Island County Superior Court No. 98-2-00617-4

Phil Bakke, Planning Manager, presented Settlement Agreement reached through the Planning Department and Prosecuting Attorney with Delbert Pfeifer and counsel Alice Blanchard, with respect to property located at 4351 Hollydale Lane, Oak Harbor wherein Island County will deposit \$30,000 in escrow with Island Title Company, and Island County will take title of the property.

By unanimous motion, the Board approved and signed the Settlement Agreement between Island County v. Delbert Pfeifer, Island County Superior Court No. 98-2-00617-4.

HEARING SCHEDULED: Ordinances Relating to Amendments to Chapter 17.02 and 17.03 relating to critical areas and residential RAIDS

On presentation by Vince Moore, Planning Director, the Board by unanimous motion, scheduled a public hearing on August 23, 1999 beginning at 3:30 p.m. on the following ordinances relating to amendments to Chapter 17.02 and 17.03 relating to critical areas and residential RAIDS:

Ordinance #C-95-99, PLG-017-99, Amending Chapter 17.03 ICC and the Zoning Atlas to Comply with the invalidity order of the Western Washington Growth Management Hearings Board Regarding Certain Rural Residential RAIDS [GMA doc. #4468]

Ordinance #C-96-99, PLG-018-99, Amending Chapter 17.02 ICC to comply with the Invalidation Order of the Western Washington Growth Management Hearings Board Regarding Type 5 Stream Buffers [GMA doc. #4467]

Ordinance #C-97-99, PLG-019-99, Amending Chapter 17.02 ICC to comply with the order of the Western Washington Growth Management Hearings Board relating to certain provisions of the County's Critical Area Regulation [GMA doc. #4465]

Ordinance #C-98-99, PLG-025-99, Amending Chapter 17.03 ICC Regarding the Rural Forest and Commercial Agriculture Zones [GMA doc. #4466]

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 10:55 a.m., to meet in Regular Session on August 9, 1999 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: _____

Margaret Rosenkranz, Clerk of the Board