

**BOARD OF ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING  
MAY 10, 2004**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on May 10, 2004 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6<sup>th</sup> Street, Coupeville, Wa. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the Minutes of Previous Meetings April 26, 2004 and May 3, 2004.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #189251 – 189494.....\$238,681.87.

**HIRING REQUESTS & PERSONNEL ACTIONS**

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations:

<b>Dept.</b>	<b>PAA #</b>	<b>Description/ Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Auditor	039/04	Indexing Deputy 208.01	Replacement	5-10-04
Public Works	040/04	SW Atd. .fte 2249.02	Replacement	6-1-04
Clerk	038/04	Dep. Clerk I .6 fte 503.01	Replacement/ Personnel Action	6-1-04
Clerk	041/04	Microfilm/Vault Clerk 503.04	Personnel Action	6-1-04
Health	042/04	Department Asst. 2419.00	Replacement	5-10-04
Health	043/04	Hydrogeologist 2425.00	Personnel Action/ CDC Grant Funds	5-10-04
WSU	045/04	Prog. Coord/Beachwatcher .4fte	Personnel Action	5-10-04
WSU	044/04	Adm. Asst MRC .33 fte	Personnel Action	5-10-04

**EMPLOYEE AWARDS**

**EMPLOYEE SERVICE AWARDS**

<b>Department</b>	<b>Employee</b>	<b>Years' Service</b>
Assessor	Karen Bowers	25
Commissioners	Ellen Meyer	30
Health	Keith Higman	10
Prosecutor	Margaret Leggett	20
Public Works	Roger Edwards	15
Public Works	Paul Andriesen	15
Public Works	Colleen Jokinen	5
Sheriff	Rob Hardcastle	10
Sheriff	David Dennis	5

**EMPLOYEE OF THE MONTH – APRIL, 2004**

**Mary Cross**, District Court, was selected as Employee of the Month for April 2004. Mary is responsible for collections, and the Washington Courts recently issued their "Collection

Practices Report" which showed Island County ranking as the Number one (1) County in the state.

**SPECIAL RECOGNITION**

**Carol McNeil**, Nursing Service Director, Island County Health Department, has been selected as recipient of the Soroptimist International of South Whidbey Island **2004 Woman of Distinction Award.**

**LIQUOR LICENSE APPLICATION #086388-6C, SMITH FAMILY VINEYARDS**

Regarding application for Liquor License #086388-6C by Paul E. and Wendy Smith, Paul E. Smith & Company, Inc., d/b/a Smith Family Vineyards, domestic winery, 819 Bush Point Road, Freeland, the application received a favorable recommendation from the Island County Sheriff, and the Health Department. However, further consideration is needed with respect to review by Planning & Community Development as far as the zone classification, and the Board requested County Planning staff have an opportunity to contact the applicant with this information and discuss applicant's intention in proceeding further. By unanimous motion, action tabled on the application, with the Board to request from the State Liquor Control Board a 20-day extension within which to respond to this particular liquor license application.

**RESOLUTION #C-60-04 PROCLAIMING MAY 10 THROUGH MAY 16, 2004, AS WILDFIRE AWARENESS WEEK IN ISLAND COUNTY**

As brought forth from the General Services Department, the Board by unanimous motion adopted Resolution #C-60-04 Proclaiming May 10 through May 16, 2004, as Wildfire Awareness Week in Island County. This action follows the Governor's Proclamation issued on March 9, 2004 proclaiming May 10-16, 2004 as Wildfire Awareness Week, recognizing the need to reduce the number of human-caused wildfire ignitions.

*[Resolution #C-60-04 on file with the Clerk of the Board]*

**PURCHASE ORDER - ISLAND COUNTY FAIR GRANDSTANDS**

Purchase Order (#RM-GSA-04-0045) to Nor-Pac Professional Services for Island County Fair Grandstands in the amount of \$20,591.08 was approved by unanimous motion of the Board, as presented by Betty Kemp, Director, GSA.

**PUBLIC INPUT OR COMMENTS**

Lori Hilleary, Langley, proposed on behalf of the owners deeding to Island County 1-1/2 miles of beach located at Saratoga Beach (to the north of the beach, includes the bank and seaward of the bulkhead including the whole bank) with non-exclusive easement for ingress/egress, drainage issues and or other uses. An e-mail provided to the Board on May 6, 2004, further detailed the proposal.

The Commissioners took the matter under advisement, the proposal to be forwarded to the appropriate departments in the county for review and report back to the Board.

**PUBLIC HEARING SCHEDULED: ORDINANCE #C-39-04/R-13-04 - IN THE MATTER OF RESCHEDULING PUBLIC HEARING TO ESTABLISH PARKING RESTRICTIONS ON LOWELL POINT ROAD, CAMANO ISLAND**

Ordinance #C-39-04/R-13-04 in the matter of rescheduling a Public Hearing to establish parking restrictions on Lowell Point Road, Camano Island, in the vicinity of the Camano Island Trail, Secs. 35 & 36, Twp 31N., R 2E., was scheduled for public hearing at a special session of the Board to be held on June 8, 2004 at 2:00 p.m. at the Camano Multipurpose Center, Camano Island.

**BID AWARD FOR ASPHALT PRODUCTS**

As recommended by Bill Oakes, Public Works Director and Island County Engineer, Dick Snyder, the Board by unanimous motion awarded asphalt product bids as follows:

Lakeside Industries: 2004 Asphalt Concrete Materials for the period May, 2004 to May, 2005, the low bid.

Chevron Products, Co.: 2004 Asphalt Liquid Materials for the period May, 2004 to May, 2005, the low bid.

**CONTRACT, CONTRACT BOND, ESCROW DOCUMENTS - # PW-0420-73 - JENKINS, INC., TERRY'S CORNER PARK & RIDE**

The Contract and Contract Bond #PW-0420-73, between Island County and Jenkins, Inc., for Terry's Corner Park & Ride located on Camano Island under CRP 01-03, Phase I, in the amount of \$531,467.70 were approved by unanimous motion of the Board, and the Chairman authorized to sign escrow documents when prepared.

**CERTIFICATE OF GOOD PRACTICE TO COUNTY ENGINEER**

The Board presented to Mr. Oakes and Mr. Snyder a Certificate of Good Practice transmitted to the State Treasurer by the

County Road Administration Board on behalf of Island County for 2003, pursuant to the authority contained in RCW 36.78.090. The Certificate recognizes the fact that Island County had submitted to the Department of Transportation or to the CRABoard all reports required by law or regulation of the CRABoard and had reasonably complied with provisions of law relating to county road administration and with the Standards of Good Practice.

- **HEARING HELD: RESOLUTION #C-40-04/R-14-04 – FINAL ORDER OF VACATION - PETITIONER GAIL GLASEN - PORTION OF COUNTY ROAD RIGHT OF WAY KNOWN AS HONEYMOON BAY ROAD, PLAT OF SYNDICATE ADDITION FREELAND**

- As scheduled at 10:20 a.m. Chairman Byrd opened a public hearing to consider Resolution #C-40-04/R-14-04, final order of vacation by petitioner Gail Glasen, for a portion of County

Road right of way known as Honeymoon Bay Road in the Plat of Syndicate Addition Freeland, in Sec. 10, Twp 29N, R 2E.

The Board received the report of the County Engineer recommending that the County road right of way petitioned not be vacated in that:

- The public will not be benefited by this vacation;
- Said road right of way is a component part of existing County Road; and
- It will be advisable to preserve this right of way as part of the general road system.

Robert S. Snyder, Seattle, Attorney for Whidbey Telephone Company, submitted a letter dated this date in opposition to the proposed vacation of county road right of way *[on file with the Clerk of the Board]*. Two representatives of Whidbey Telephone Company were in attendance at the hearing with Mr. Snyder.

The letter explained that:

- Records show Gail A. Glasen as the owner of the westerly parcel and Whidbey Telephone company the owner of the easterly parcel. The frontage of the petitioner's parcel on the road segment proposed to be vacated appears to be approximately 181 feet while the frontage of Whidbey Telephone Company's parcel on the same segment appears to be approximately 246 feet.
- RCW 36.87 and ICC 12.03 provide statutory authorization procedures for vacation of county roads. Whidbey Telephone has not joined in the petition. Inasmuch as Whidbey Telephone Company appears to own the majority of the frontage along the portion of the road that is proposed to be vacated the petitioner would appear to own less than a majority of such frontage and the petition therefore legally insufficient and should be denied.
- The County Engineer opposes the proposed vacation.
- One of Whidbey Telephone Company's switching centers is located on its parcel that fronts upon the road segment proposed to be vacated. Several underground cables exit that facility, with at least six present on the section of road proposed to be vacated. The Company is present on the county road right of way at that location pursuant to an Island County franchise. To facilitate access to its present cables, as well as to preserve its rights to install future facilities in the subject right of way, the Company urges the Board not vacate the subject right of way.
- In the event that the Board of County Commissioners does determine that the proposed vacation should be granted, Whidbey Telephone Company requests that an easement be retained by the County in respect to the land underlying the vacated road for the construction, repair, and maintenance of public utilities and services which are authorized or physically located on a portion of the land being vacated.

Gail Glasen, Petitioner, relayed what her concerns had been. She explained that not granting the vacation would not be detrimental to her as long as she is able to have access to her parcel, and would like that access to be from Shoreline. Her property is an interesting-shaped parcel; one side connected to the road she requested be vacated; the other side SR525, and then Shoreline. She is aware she has to do some fill work, and that there are some cables and underground facilities, over-ground as well. Again, the vacation was not really an issue, it was more related to access.

There were no further comments for or against the proposed vacation.

Commissioner McDowell moved to deny the vacation based on both the testimony received today as well as the recommendation of the Island County Engineer. Motion, seconded by Commissioner Shelton, carried unanimously.

*[Resolution #C-40-04/R-14-04 denying the order of vacation placed on file with the Clerk of the Board]*

## **HEARINGS HELD: FRANCHISE APPLICATIONS**

- **Franchise #26R – Renewal of existing water distribution system; Lehman Enterprises, Inc., Plat of Harbor Sands, Division No. 1 and a portion of East Harbor Road, Sec. 2, Twp 29N, R 2E.**
- **Franchise #161(2)R – Renewal of existing water distribution system; Lehman Enterprises, Inc.; W.B. Waterworks Service Area, Secs. 9, 15,16,22,27 & 28, Twp 29N. R 2E**
- **Franchise #166R – Renewal of existing water distribution system; Tillicum Beach Association; 1<sup>st</sup> Addition and 2<sup>nd</sup> Addition Plat of Tillicum Beach; Sec. 10, Twp 30N., R 3E.**

A Public Hearing was opened by the Chairman at 10:30 a.m. for the purpose of considering the three listed franchise renewals, as scheduled and advertised.

Bill Oakes reported that the applications had been reviewed and that all departments requested to comment responded having no objections to the three franchise renewals, and based on that information, the County Engineer recommended approval of the three franchise renewals as submitted.

When the Chairman called for public comments on the three franchise renewal applications, no one spoke either for or against.

By unanimous motion, the Board approved Franchise #26R, Franchise #161(2)R, and Franchise #166R as recommended.

### **HEARING HELD: ORDINANCE #C-45-04 (PLG-034-03) AMENDING THE IMPLEMENTATION STRATEGIES OF THE COMPREHENSIVE PLAN AS THEY PERTAIN TO NON-RESIDENTIAL DEVELOPMENT AND THE NON-RESIDENTIAL DEVELOPMENT STANDARDS OF CHAPTER 17.03 ICC**

Ordinance #C-45-04 (PLG-034-03) Amending the Implementation Strategies of the Comprehensive Plan as they pertain to Non-Residential Development and the Non-Residential Development Standards of Chapter 17.03 ICC came on for hearing as scheduled and advertised. At the time of hearing, two citizens attended; one member of the Press; and staff represented through Phil Bakke, Director, Planning & Community Development, and Jeff Tate, Assistant Director, Planning & Community Development.

Mr. Bakke reminded that the matter came about through CPA 197/03 [Comprehensive Plan Amendment] from the Island County Planning Commission [GMA record # 7621]. The Board asked that an alternative be added for consideration and during the April 12<sup>th</sup> meeting, staff handed out a proposed modification that could be considered in that regard, with revised

Findings of Fact [GMA Record #7569] now included in the ordinance as Exhibit A for today's public hearing.

Mr. Tate referred to proposed Ordinance #C-45-04, Exhibit A, Page 8, subsection c. Current setback in the LM zone for front yard side [road] is a maximum of 50 feet (have to be within that first 50 feet of the road) The Planning Commission recommendation would allow for an alternative: either comply with the 50 foot maximum setback or in the case of a parcel where there is existing native vegetation [example – existing mature timber stand] not have to be removed in order to comply with the setback. The point discussed at the April 12<sup>th</sup> public meeting was the possibility of extending that option to include Rural Village as well as Light Manufacturing. The language proposed is:

- c) *The maximum front yard setback in the Light Manufacturing (LM) and Rural Village (RV) zone may be eliminated provided that the area between the structure(s) and the front yard is fully vegetated with either landscaping or native vegetation.*

The second notable change would be rather than to require only in those circumstances where there is mature existing native vegetation to also extend that to any type of landscaping, lawn or vegetation that might exist. The reason behind that is the maximum setback was originally established so that on commercial developments the parking area would not be located between the building and the road so that passers-by on the road do not look at a parking area.

The Board at that time brought up the point that inasmuch as the purpose of a maximum setback was to make sure parking is located behind the building, it should not matter what type of vegetation, open area, grass, landscaping or mature native vegetation, there is, that that would still accomplish the goal. Therefore, the revised proposal considered today is:

*The maximum front yard setback in the Light Manufacturing (LM) and Rural Village (RV) zone may be eliminated provided that the area between the structure(s) and the front yard is fully vegetated with either landscaping or native vegetation.*

Rufus Rose, South Whidbey, from the perspective of safety and security thought requiring parking behind a building would lead to the potential of misdeeds and risk of employee safety. He asked if there was any way to enable parking in front or along side the building so that the parking lots are visible from the road and thereby enhance the safety of the people who do commerce and/or work there.

The Commissioners took the opportunity to explain the initial reasoning behind the ordinance, which was the desire not to see major parking lots in front of businesses as one travels along the highway or roads, and that the parking lot be located behind the building and out of sight. The Board is not addressing the basic issue at this hearing. What has happened, as noted by a Camano Island case, is that part of a business area had some very large old trees and in order to accomplish requirements, would have to cut down those trees in order to move the building forward. That is not the desired result and it made no sense. The proposal maintains the requirement that parking is to be located behind. Trees, yard, ornamental landscaping, etc. can be there; it provides more flexibility.

Mr. Bakke pointed out that the Planning Commission reviewed each of the commercial zones last year and the design and development standards applied to each of those, and did not come forward with a recommendation to change that parking configuration for RV and LM zones. He believed the reason the Board wanted to bring this modification forward was because the Rural Village zone inadvertently had been left out of the Planning Commissions' evaluation. The Planning Commission recommended this standard be applied to LM because of the issue on Camano Island that had been raised as a concern. The Board saw that as an oversight and decided to move forward and conduct a Public Hearing to consider the inclusion of RV for that relaxation of standards as well.

Mr. Rose stated his request for consideration:

1. move the parking lot for a safer location;
2. because commercial land is at such a premium, instruct the Planning Commission to consider and at least make a recommendation to the Board that if any commercial land is consumed for some other purpose, they come forward with a recommendation of where that volume of land or more would be substituted.

Mr. Bakke advised that the Growth Management Act where it authorizes the identification of RAIDS prohibits the alteration of outer boundaries of those commercial areas. Those areas were drawn based upon logical outer boundaries and historical development; unless it were to become something other than a RAID, as an example, where Freeland is looking at becoming a Non-municipal urban growth area, the County does not have the legal authority to change those boundaries.

Mr. Rose commented that forcing Island County citizens to have to travel off-island to major shopping centers does not seem to be in the best interest of the County, and suggested that the Board had a duty to represent those best interests, which may mean asking that State law be modified to recognize the unique circumstances in Island County.

No further comments were made by members of the public either for or against.

Commissioner McDowell in reading the proposed language questioned the term "fully vegetated". His concern was that if a business wants to place a picnic table, plaza for employees to sit for lunch, etc. and that takes up some portion, that should not be in conflict with "fully vegetated" and wanted that clarification.

Mr. Tate agreed that if there was a concern it would be appropriate to add clarifying language to indicate intent and do so by adding language, i.e. at the end of the sentence replace the period with a comma and add language: "provided that trails, walkways, plazas or other similar uses may be permitted."

Commissioner McDowell moved to approve Ordinance #C-45-04 (PLG-034-03) in the matter of amending the Implementation Strategies of the Comprehensive Plan as they pertain to Non-Residential Development and the Non-Residential Development Standards of Chapter 17.03 ICC, with the pen and ink change for item c as mentioned, to read:

*The maximum front yard setback in the Light Manufacturing (LM) and Rural Village (RV) zone may be eliminated provided that the area between the structure(s) and the front yard is fully vegetated with either landscaping or native vegetation, provided that trails, walkways, plazas or other similar uses may be permitted.*

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Motion, seconded by Commissioner Shelton, carried unanimously. (GMA Record #7592)  
[Ordinance #C-45-04 placed on file with the Clerk of the Board]

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Discussing comments of Mr. Rose, Commissioner McDowell agreed that large chunks of commercial land taken up by parking areas hinders the ability to provide commercial opportunities in parts of the county and suggested Mr. Bakke review whether or not there is some way to make provisions for that.

Chairman Byrd elaborated on the Camano Island example at Terry's Corner: roughly a 15 acre parcel for commercial industry has about 5 acres taken up by a park, another 5 Acres taken up by a park and ride. This takes away 10 acres of a commercial possibility and the question to consider is can that 10 acres be mitigated somewhere else.

Mr. Bakke confirmed that had been reviewed at length during the comprehensive plan process and the answer would be to designate non-municipal urban growth areas, then the outer boundary is moveable pursuant to the comp plan that would be adopted to accommodate that specific need. It is not possible as a RAID to allow the boundary to move.

It seemed to Mr. Rose that at least those non charter counties could link elbows and say the Growth Management Act is harming counties. He continued to ask for letters signed by Chairman of the Island County Board of Commissioners, with copies to every other county commissioner in the State.

In answer from the Commissioners was that counties are in fact joined together and represent a whopping lobby through the Washington State Association of Counties. Mr. Rose was referred to the WSAC website for further details on political positions on various issues.

There being no further business to come before the Board at this time, the meeting adjourned at 11:22 a.m. The next regular meeting of the Board will be on May 17, 2004 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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William J. Byrd, Chairman

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Mike Shelton, Member

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Wm. L. McDowell, Member

ATTEST: \_\_\_\_\_  
Elaine Marlow, Clerk of the Board