

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 1, 2005 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th Street, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the July 25, 2005 meeting as presented.

VOUCHERS AND PAYMENT OF BILLS

The payroll dated July 29, 2005 was approved by unanimous motion of the Board, as well as the following vouchers/warrants were approved for payment by unanimous motion of the Board:
Voucher

(War.) # 218754-218990\$210,272.84.

Hiring Requests & Personnel Actions

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

Department PAA No. Description/Position No. Action Eff. Date

Planning 065/05 Assoc. Planner/Enf. # 1708/07 Replacement 8/22/05

NORTHWEST SENIOR SERVICES BOARD APPOINTMENT

Elaine Remington, Camano Island, was appointed by unanimous motion of the Board to serve as an Island County representative on the Northwest Senior Services Board, effective immediately with the term to expire June 30, 2006.

PUBLIC HEARING SCHEDULED: ORDINANCE #C-87-05 Increasing Surcharge on Domestic Relations Filing Fees for Courthouse Facilitator Program

By unanimous motion, the Board scheduled a Public Hearing on proposed Ordinance #C-87-05 Increasing Surcharge on Domestic Relations Filing Fees for Courthouse Facilitator Program, for August 22, 2005 at 1:55 p.m. By Engrossed Substitute Senate Bill 5454, Section 15, the 2005 State Legislature authorized increasing the filing fee surcharge for domestic relations cases or other filings under the provisions of Title 26 RCW from \$10 to \$20.

Resolution #C-88-05 Establishing the Island County Homeless Housing Fund

By unanimous motion, the Board adopted Resolution #C-88-05 Establishing the Island County Homeless Housing Fund pursuant to the Homeless Housing & Assistance Act, Chapter 484 Laws of 2005, effective August 1, 2005. [*Resolution #C-88-05 on file with the Clerk of the Board*].

HEALTH DEPARTMENT CONTRACTS APPROVED

The Board by unanimous motion, approved the following Health Department contracts:

Contract # 0563-76313 (RM-HLTH-03-0008) - DSHS/Children and Family Services for Alternative Response System Services and Public Health Nurse (Early Intervention

Program),

continuing funding for CPS referral home visits and child abuse prevention, \$17,632

Contract #0563-76352 (RM-HLTH-01-0064) - DSHS/Children's Administration for Foster Care Passport Program, continuing funding for Foster Care Passport Program, \$10,208

Contract #0463-53024, Amendment 1 (RM-HLTH-02-0062) - DSHS/Economic Services for WorkFirst Program, extending contract date for services to families with children with special needs (no change/fee for service contract)

Contract #HD-04-05, Amendment 1 (RM-HLTH-99-0014) - Snohomish Health District for Region 3 AIDS Service Network, adds funding for current contract period, Amendment in the amount of \$1,021 for new total contract \$70,954.

Application for Special Occasion Liquor License #092063 by Forgotten Children's Fund

Having received the review and favorable recommendations of approval by the appropriate County Departments, the Board by unanimous motion approved application for Special Occasion Liquor License #092063 by Forgotten Children's Fund for an event to be held on September 10, 2005 from 4:00 p.m. to 10:00 p.m. at M-C Ranch, 5264 Shore Meadow Road, Freeland, Wa.

RENEWAL OF Adopt-A-Road Litter Control Program WITH Maxwelton Salmon Adventure

Adopt-A-Road Litter Control Program Renewal Agreement was approved by unanimous motion of the Board as presented and recommended by Bill Oakes, Public Works Director, between Island County and Maxwelton Salmon Adventure for Maxwelton Road from Highway 525 to Sills Road.

Transfer of Funds from Island County Current Expense Fund and Capital Facilities Fund (REET 1) to ER&R Fund

The County Road Administration Board (CRAB) provided notice that Island County was in non-compliance with RCW 36.33A – ER&R Fund, and would issue a Conditional Certificate of Good Practice. Mr. Oakes presented two actions to satisfy CRAB, outlined in his July 27, 2005 memorandum to the Board, as follows:

- Island County Current Expense Fund will transfer to the ER&R Fund an amount

Totaling \$15,712.33

- Island County Capital Facilities Fund (REET 1) will transfer to Island County ER&R Fund an amount totaling \$160,750.00 for land purchase at Camano Annex for administrative and

recreational facilities

Mr. Oakes and County Engineer Dick Snyder met with CRAB Thursday and CRAB expressed appreciation for the Board's rapid and decisive action to correct these issues and welcomed this action.

Commissioner Byrd moved approval of the transfer of funds from Island County Current Expense Fund and Capital facilities fund (REET) to ER&R Fund as outlined by Mr. Oakes. Motion seconded and carried unanimously.

**Stormwater Mitigation Agreement AND COVENANTS – Getchel Hill
Construction, LLC. - Plat of Holmes Harbor Golf & Yacht Club**

Stormwater Mitigation Agreement and Covenants #PW-0520-277 between Island County and Getchel Hill Construction, LLC, Lot 2, Block 6, Div. No. 7, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E., was approved by unanimous motion as presented by Mr. Oakes.

BOARD'S WRITTEN DECISION: Appeal 195/05 by Victor Hanzeli

Phil Bakke, Island County Planning & Community Development Director, and Michael Kershner, Planner, presented for the Board's signature the written decision with regard to the Closed Record Appeal hearing held on July 11, 2005 appealing the Hearing Examiner's Decision on PLP 334/04, John Robinett, West Coast Inc., based on the statements of the individual Commissioners read on July 25, 2005.

As Chairman Shelton noted, the Procedure To Hear Closed Record Appeals indicates as follows:

9. After the Board's decision, the Planning Director will prepare a written decision for signature by the Board of County Commissioners. A copy of the decision will be provided to the appellant and project applicant by the Planning Department.

The Findings and Decision as presented by the Planning Director were reviewed:

FINDINGS OF FACT

The Board of Island County Commissioners held a closed record hearing on July 11, 2005. A decision was delivered on July 25, 2005.

The appeal is denied because the project meets all applicable codes and statutes.

The Board of Island County Commissioners has also determined that the Hearing Examiner erred in allowing the burden of proof to shift from the developer to the neighboring homeowner.

This decision is not meant to be used to set precedence and should only be applied on a case-by-case basis.

DECISION

The Appeal is denied.

The new condition as provided by the Island County Board of Commissioners shall read:

"The record indicates a boundary discrepancy in a portion of Tract A in the area of the proposed detention/sedimentation pond. The applicant may proceed only if the boundary line dispute is resolved in favor of the applicant or construction takes place outside of the disputed property by redesigning the detention/sedimentation pond. If a temporary sedimentation/detention pond is to be constructed prior to clearing and grading, it may be sized smaller to remain outside of the disputed area. Should the detention/sedimentation pond be redesigned, whether it be temporary or permanent, the new design must be approved by Island County Public Works."

Commissioner McDowell suggested two changes to the Decision, new condition:

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"The record indicates a boundary discrepancy in a portion of Tract A in the area of the proposed detention/sedimentation pond. The applicant may proceed only if the boundary line dispute is resolved in favor of the applicant or construction takes place outside of the disputed property by redesigning the detention/sedimentation pond. If a temporary ~~sedimentation~~/detention pond is to be constructed prior to

clearing and grading, it may be sized smaller ~~to~~ and remain outside of the disputed area. Should the detention/sedimentation pond be redesigned, whether it be temporary or permanent, the new design must be approved by Island County Public Works."

Commissioners Shelton and Byrd were in agreement with the suggested changes.

Commissioner Byrd moved that the Board approve the Written Decision and Findings for the Board's signature as presented, with the two changes made to the Decision as recommended. Motion, seconded by Commissioner McDowell, carried unanimously. *[Signed Findings and Decision on file with the Clerk of the Board]*

Resolution #C- 89-05/PLG-012-05 - Update of GMA Critical Area Regulations relating to Agricultural Best Management Practices (BMPs)

Resolution #C-89-05/PLG-012-05 in the matter of the update of GMA Critical Area Regulations relating to Agricultural Best Management Practices (BMPs) was presented to the Board for approval by Phil Bakke. Members of the public present included: Steve Erickson, WEAN; and Eric Berto, Whidbey News Times Reporter.

The Resolution was reviewed by the Planning Commission last week, agreeing to the time frames and meeting commitments for an accelerated schedule for the update of the Critical Area Regulations relating to Agricultural BMPs. Mr. Bakke recalled that the Board adopted Resolution #C-15-05 February 28, 2005 *[GMA Record #7750]* the schedule for the update of Island County's Critical Area policies and regulations and the intended process was for the county to do the CAO/AG BMP update as a part of TRACK #3. There were two very well attended public hearings before the Planning Commission several months' ago dealing with the Court of Appeals decision on AG BMPs and the legal fix to bring the County into compliance; the majority of the public disagreed with the proposed legal fix and did not want the County to proceed in that

manner. The Planning Commission voted to table the proposal in light of Resolution PLG-012-05 in order to take into consideration a new proposal that would meet the requirements of Growth Management and hopefully address concerns from members of the community. As shown in Exhibit A, a vigorous public involvement program is planned. Workshops will be conducted county-wide in preparation for Planning Commission hearings, and a joint Planning Commission/Board of Commissioners workshop scheduled for September 26th.

Steve Erickson, WEAN, Langley, posed some questions with references in the schedule to: Water Quality Report; AG BMP goals; and Rural AG report. He thought it unfortunate that the County was not complying with WWGMHB order.

Answers were provided by the Commissioners and Mr. Bakke:

Water Quality Report. Water quality issues extracted from some of the studies

Public Works Department has done in regard to watershed planning

AG BMP goals. Reviewing the County's Comp Plan which has goals for AG that are tied in

with goals for BMPs

Rural AG Report. As part of this process the Board and Planning Commission will be appointing a work group to go over proposals and possibly make recommendations that would produce this report -- something that would be developed by the committee.

By unanimous motion, the Board approved Resolution #C-89-05/PLG-012-05 in the matter of the update of GMA Critical Area Regulations relating to Agricultural Best Management Practices (BMPs)

[Resolution #C-89-05/PLG-012-05 on file with the Clerk of the Board] (GMA Record #8194)

Resolution #C-90-05/PLG-013-05 - Update of GMA Critical Area Regulations Resolution C-15-05 to add a new Track for Geologically Hazardous Areas

Mr. Bakke presented for the Board's approval Resolution #C-90-05/PLG-013-05 in the matter of the Update of GMA Critical Area Regulations Resolution C-15-05 to add a new Track for Geologically Hazardous Areas. Members of the public present included: Steve Erickson, WEAN; and Eric Berto, Whidbey News Times Reporter.

The proposal explained by Mr. Bakke is an update to Resolution #C-15-05 dealing with amending the schedule for GMA Critical Area regulations to specifically add Geologically Hazardous Areas under Track 3, allowing more time to get the work accomplished, with November 7, 2005 called out for the Board to adopt the revised Comprehensive Plan language and implementing regulations.

By unanimous motion, the Board adopted Resolution #C-90-05/PLG-013-05 In the matter of the Update of GMA Critical Area Regulations Resolution C-15-05 to add a new Track for Geologically Hazardous Areas *[Resolution #C-90-05/PLG-013-05 on file with the Clerk of the Board] (GMA Record*

#8195)

PUBLIC HEARINGS SCHEDULED ON OPEN SPACE APPLICATIONS

By unanimous motion, the Board scheduled public hearings on two Open Space Applications as follows:

- Public Hearing scheduled for August 22, 2005 at 2:30 p.m. on OPS# 216/05 by Applicants, Jerry and Peggy Johnson, proposing to transfer 20 acres from Designated Forest to Open Space Timber Land classification, Parcel R32907-453-3740 located on South Whidbey Island
- Public Hearing scheduled for August 22, 2005 at 2:35 p.m. on OPS# 252/05 by Applicants, Karl Weiss and Glen Drumheller, proposing to transfer approximately 16 acres of 20+ acres from Designated Forest to Open Space Timber Land classification, Parcel R23020-368-3060 and R23020-367-3700 located on South Whidbey Island.

There being no further business to come before the Board at this time, the meeting adjourned at 10:50 a.m. The next regular meeting of the Board will be on August 8, 2005 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William J. Byrd, Member

ATTEST:

Elaine Marlow

Clerk of the Board