

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
NOVEMBER 20, 2006 REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 20, 2006 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th Street, Coupeville, Wa. Wm. L. McDowell, Chairman; William J. Byrd, Member, and Mike Shelton, Member, were present. The meeting began with the Pledge of Allegiance.

**VOUCHERS AND PAYMENT OF BILLS; APPROVAL OF PAYROLL AND COMBINED
EXCISE TAX RETURN**

By unanimous motion, the Board approved the payroll dated November 15, 2006, the Combined Excise Tax return for October 2006, and the following vouchers/warrants:

Voucher (War.) #250346 - 250614 \$1,049,295.74.

Veterans Assistance Fund. As recommended by the Veterans Assistance Review Committee the Board denied in entirety Claims V6-7 and V6-8. *[emergency financial assistance to eligible veterans; names and specific circumstances are confidential]*.

PERSONNEL ACTION

As presented by Larry Larson, Human Resources Director, the Board by unanimous motion, approved Leave of Absence for Amy Dempsey in accordance with current policies and procedures through and including December 11, 2006.

**APPROVAL OF FEE INCREASES FOR RHODODENDRON CAMPGROUND &
CORNET BAY PUBLIC DOCK**

By unanimous motion, the Board approved fee increases for Rhododendron Campground and Cornet Bay Public Dock as outlined and recommended for approval in a memo dated November 20, 2006 from Terry Arnold, GSA, Parks & Property Management.

CLAIM FOR DAMAGES – MARK HILT R06-028CD

As recommended by Betty Kemp, GSA Director, Risk Management, by memorandum dated November 20, 2006, the Board by unanimous motion approved Claim for Damages by Mark Hilt #R06-028CD in the amount of \$955.64.

SPECIAL OCCASION LIQUOR LICENSE APPLICATIONS APPROVED

Having received recommendations of approval from the appropriate reviewing departments, the Board by unanimous motion recommended approval for the following Special Occasion Liquor License Applications:

Application #093226 by Enso House for a special occasion to be held on December 2, 2006, from 6:00 p.m. to 9:00 p.m. at Bayview Cash Store, located at 5603 S. Bayview Road, Langley

Application 090590 by Coupeville Arts Center for special occasion to be held on December 9, 2006 from 5:30 p.m. to 8:30 p.m. at Ausable Institute, located at 180 Parker Road, Coupeville.

REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

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Auditor's Report

The Board reviewed the written financial report dated November 17, 2006 as earlier provided by Suzanne Sinclair, Island County Auditor, for the period ending October 31, 2006.

Treasurer's Report

Linda Riffe, Treasurer, appeared before the Board and provided a copy of the Treasurer's written financial report dated 11/17/06 for the same period, with accompanying cover memo of explanatory comments for any line items with percentage to budget well above or below the 80% benchmark.

[financial reports on file with the Clerk of the Board]

**HEARING SCHEDULED: FRANCHISE #144 - TR CAMANO, INC. - SEWER
TRANSPORT SYSTEM; NORTH CAMANO DRIVE, CAMANO ISLAND**

As recommended by Bill Oakes, Public Works Director, the Board by unanimous motion scheduled a public hearing to be held on Tuesday, December 19, 2006 at 6:00 p.m., Elger Bay Elementary, 1810 Elger Bay Road, Camano Island, Washington, for the purpose of considering Franchise #144 (PW-0620-109) between Island County and TR Camano, Inc. for a Sewer Transport System to be located in North Camano Drive, Camano Island, sections 19 and 20, Twp 30N., R 3E.

AWARD OF BID FOR TRAFFIC CONTROL SIGNS – ZUMAR INDUSTRIES, INC.

As recommended by Mr. Oakes, the Board by unanimous motion awarded bid for Traffic Control Signs to Zumar Industries, Inc., a two-year contract with the potential for two additional years.

ADOPT-A-ROAD LITTER CONTROL AGREEMENT – WINDERMERE REAL ESTATE

By unanimous motion the Board approved Adopt-a-Road Litter Control Agreement between Island County and Windermere Real Estate for Elger Bay Road from Monticello to Dry Lake Road.

**SERVICES AGREEMENT BETWEEN ISLAND COUNTY AND HERRERA
ENVIRONMENTAL CONSULTANTS, INC. - IDENTIFY STRATEGIES TO PROTECT FISH
HABITAT FUNCTIONS AND PHYSICAL PROCESSES THAT MAINTAIN ALA SPIT**

As presented and recommended for approval by Phil Bakke, Planning & Community Development Director, the Board by unanimous motion approved Services Agreement (RM-PD-06-104) between Island County and Herrera Environmental Consultants, Inc. to identify strategies to protect fish habitat functions and physical processes that maintain Ala Spit, in the amount of \$150,000. *[GMA #9061]*

AMENDMENT NO. 4 TO CONTRACT WITH DEARBORN & MOSS PLLC

By unanimous motion, the Board approved Amendment No. 4 (RM-PLAN-06-134) to the contract between Island County and Dearborn & Moss PLLC modifying current contract to include the judicial appeal by WEAN to Thurston County Superior Court regarding the Western Washington Growth Management Final Decision, with no change in the contract amount. *[GMA #9062]*

**HEARING SCHEDULED: ORDINANCE #C-119-06 (PLG-030-06) IN THE MATTER OF AN
ORDINANCE CONCERNING TECHNICAL AMENDMENTS TO THE ISLAND COUNTY
COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP AND THE ISLAND COUNTY
ZONING ATLAS, MAP # 960**

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The Board by unanimous motion scheduled a public hearing to be held on December 11, 2006 beginning at 10:30 a.m. to consider Ordinance #C-119-06 (PLG-030-06) In the matter of an ordinance concerning technical amendments to the Island County Comprehensive Plan future land use plan map and the Island County zoning atlas, Map # 960. [*Ordinance as introduced and set for hearing GMA # 9063*]

HEARING SCHEDULED: CONSIDERATION FOR PARCELS R13230-444-2300, R13230-362-1990 AND R13230-429-2620 TO BE ENROLLED PUBLIC BENEFIT RATING SYSTEM

By unanimous motion the Board scheduled a public hearing to be held on December 11, 2006 at 10:30 a.m. to consider for parcels R13230-444-2300, R13230-362-1990 and R13230-429-2620 to be enrolled in the Public Benefit Rating System, Grasser's Hill Application OPS 443/01.

HEARING HELD: RESOLUTION #C-105-06 (PLG-029-06) - ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION THAT EXISTING RESOURCE LANDS POLICIES AND REGULATIONS IN THE COMPREHENSIVE PLAN ARE PROVIDING ADEQUATE RESOURCE PROTECTION AND THAT AMENDMENTS TO THE PLAN AND REGULATIONS ARE NOT NEEDED

At 10:30 a.m. as scheduled, Chairman McDowell opened a public hearing to consider Resolution #C-105-06 (PLG-029-06) In The Matter Of Accepting The Planning Commission's Recommendation That Existing Resource Lands Policies And Regulations In The Comprehensive Plan Are Providing Adequate Resource Protection And That Amendments To The Plan And Regulations Are Not Needed [continued from October 9, 2006 and November 6, 2006; Resolution introduced 9/18/06 *GMA #8921*].

Staff	Phil Bakke
Consultant	Keith Dearborn
Members of Public	Steve Erickson, WEAN
	John Dean, Commissioner-elect

Mr. Dearborn summarized the issue as a part of the update process and because WEAN filed an appeal to the Growth Board on a particular criteria. WEAN raised the issue to the Growth Board of the appropriateness of excluding from a resource land designation farmland within a drainage or diking district. WEAN withdrew the appeal because the County at the time had not completed its process of review due to a clerical error that occurred in 2005. Mr. Dearborn referred back to 1998 to recall why that criteria had been in the ordinance to begin with. In 1998 the County began with the resource land program designating lands 40 acres or larger; the Growth Board ruled that did not comply with GMA. Island County allowed farmers to come out of the AG resource land designation if they withdrew their property from the AG tax program; the Growth Board ruled that that was not permissible. The County then reconsidered the designation and formed an AG Review Committee. That Committee came back with revised recommendations on AG. During the public review process the issue came up about lands in drainage and diking districts because farmers depend on the maintenance of a drainage and diking district. If drainage and diking districts stop activities and those lands no longer are farmable, the concern was what would happen to the designation. It was the Board's decision after listening and considering testimony to exclude those lands within drainage and diking districts unless a farmer wanted to be in the resource zone.

That modification was supported by the appellant [Coalition] before the Growth Board and the Growth Board ratified the revised program, which reduced the minimum parcel size to 20 acres and no longer made it possible for a farmer to opt out of the zone if they opted out of the tax program. WEAN

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was not an appellant at that time, and has now brought this issue to the Growth Board. The Planning Commission, including public hearings, did not receive any comment on the criteria at all from WEAN or anyone else.

Mr. Dearborn did not believe there had been any substantive testimony one way or another on the issue of the appropriateness of the criteria. The Planning Commission had no issues and recommended that the County maintain the same criteria for mineral lands and AG lands. Staff started mapping the lands that would be designated if those lands were included in the zone but were excluded because of the drainage and diking districts, but the power outage last week destroyed one of the mother boards in the computer processing this work, and repairs are expected within a day or two. Should the Board and/or others believe that work important to have, the hearing should be continued. He noted too that with a request before the Board to delete a designation criteria the Board may want to provide some notice to those property owners in 1999 who came forward with this concern to begin with.

Commissioner Shelton confirmed that Steve Erickson did provide testimony at a previous hearing [10/9/06 GMA #8913].

Steve Erickson, WEAN, explained that from his perspective the exemption from designation for lands landward of dikes does not make sense, nor does the rationale explained by Mr. Dearborn. It was his understanding that under State law if a diking district is no longer maintained the County has to take it over. In terms of what happens then, i.e. does the dike have to be maintained forever, WEAN's take is that becomes a policy decision site specific at that point. Generally what happens if the dike is not maintained is not peculiar to agriculture, and true for lands no matter the zone. Having the land not in AG zoning becomes zoned something else which in Island County is always a higher density. WEAN would like to know what lands are and are not subject to this exemption. With regard to the Hearings Board decision in the Thurston County case, WEAN thinks it would be appropriate for Island County in this case to remove that exemption just on grounds of its effect in terms of the policies for agricultural land.

By unanimous motion, the Board continued the Public Hearing until December 18, 2006 at 10:30 a.m., with the Planning & Community Development Department to provide notice to property owners affected by this issue. [Notice of Continuance GMA #9064]

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 November 27, 2006 beginning at 11:00 a.m.

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

Wm. L. McDowell, Chairman

William J. Byrd, Member

Mike Shelton, Member

ATTEST

Elaine Marlow, Clerk of the Board