

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on February 9, 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.

By unanimous motion, the Board approved the minutes from previous meetings as follows:

January 23, 2006 Special Session [Executive Session]
January 23, 2006 Regular Session

VOUCHERS AND PAYMENT OF BILLS AND PAYROLL APPROVED

The Board, by unanimous motion approved the payroll dated January 31, 2006, along with the following vouchers/warrants:

2005 Warrants #231586-231689\$315,777.56
2006 Warrants #231126-231585\$277,738.28

Veterans Assistance Fund. As recommended by the Veterans Assistance Review Committee, Claim #V6-1 was denied in total by unanimous motion of the Board. [*emergency financial assistance to eligible veterans; names and specific circumstances are confidential*].

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description & Position #	Action	Eff. Date
Juvenile	009/06	Work Crew Super-Alter to Det. .6 FTE #1402.08	Replacement	2/13/06
Planning	010/06	Asst. Planner-Critical Areas #1707.04	New Position	2/06/06

CONCURRENCE OF APPOINTMENT TO SNO-ISLE REGIONAL LIBRARY BOARD

In accordance with Snohomish County Council Motion N.05-568 dated December 5, 2005, and pursuant to RCW 27.12.190, the Board by unanimous motion concurred in the action taken by the Snohomish County Council reappointing Art Kirschenbaum as a member on the Sno-Isle Regional Library Board of Trustees for a term until December 31, 2012.

**RESOLUTION #C-10-06 FORMAL ESTABLISHMENT OF ISLAND COUNTY BOARD OF
EQUALIZATION**

Resolution #C-10-06 was approved by unanimous of the Board for the formal Establishment of Island County Board of Equalization and extend the appeal period from 30 days to 60 days. [*Resolution #C-10-06 on file with the Clerk of the Board*]

**AGREEMENT FOR EDUCATIONAL INSTRUCTIONAL SERVICES WITH NORTHWEST
EDUCATIONAL SERVICE DISTRICT 189 - ISLAND COUNTY JUVENILE DETENTION**

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

CENTER EDUCATIONAL PROGRAM

As reviewed and discussed at Staff Session February 1, 2006 the Board by unanimous motion approved Agreement for Educational Instructional Services with Northwest Educational Service District 189 for the Island County Juvenile Detention Center Educational Program (RM-JUV-05-0129).

**AMENDMENT NO. 1 TO CONTRACT WITH DAN PEDERSEN - SERVICES FOR ISLAND
COUNTY MARINE RESOURCES COMMITTEE**

As forwarded by Don Meehan, WSU Extension Agent, the Board by unanimous motion approved Amendment #1 with Dan Pedersen to perform services for the Island County Marine Resources Committee, in the amount of \$29,800 (RM-EXT-04-0128).

HEALTH CONTRACTS APPROVED

The following Health contracts were approved by unanimous motion of the Board:

Contract #HD-06-06 in the amount of \$46,200 (RM-HLTH-02-0043) with Roger S. Case, M.D. - Local Health Officer as prescribed in RCW 70.05.050. #HD-06-06; Contract Amount: \$46,200 (RM-HLTH-02-0043)

Contract #HD-03-05, Amendment No. 1 (RM-HLTH-02-0067) with Mary Jane Lungren, DDS - consultation to Oral Health Program through 12-15-05; amendment \$3,000 for total contract in the amount of \$16,000

Contract #HD-01-06 (RM-HLTH-02-0067) with Mary Jane Lungren, DDS to provide consultation to Oral Health Program in 2006. In the amount of \$18,000

Contract #HS-05-05 (RM-HLTH-99-0073) Amendment with Compass Health for Chemical Dependency Treatment & Crisis Services. Contract amendment to reduce funding on this contract.; Amendment is a reduction in the amount of \$17,845 for total new contract amount \$732,977

Contract #0683-88552 (RM-HLTH-05-0074) with Wa. St. Department of Social & Health Services – County Agreement on General Terms and Conditions, establishing general terms and conditions applying to all contracts with DSHS for services under County governance; Contract Amount: \$0-

Contract #HD-02-06 (RM-HLTH-04-092) with Margaret Griswold to provide registered dietitian services to WIC clients on Camano Island in the amount of \$3,000

Contract #0663-89030 (RM-HLTH-03-0008 and RM-HLTH-99-0050) with Wa. St. Department of Social & Health Services – Alternative Response System Services (ARS) and Early Intervention Program (EIP) continuing home visits to CPS referral families and child abuse prevention services., in the amount of \$17,632

Contract #HD-03-06 (RM-HLTH-05-0011) with Bess Windecker Nelson, Ph.D. to continue consultation and representation of the Family Support Alliance in the amount of \$17,000

Contract #HD-04-06 (RM-HLTH-01-0046) with Christopher Spitters M.D. for professional TB consultation in the amount of \$10,000.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

LIQUOR LICENSE APPLICATIONS APPROVED

New Application - Liquor License # 088898-6E by Holmes Harbor Cellars, LLC, Gregory T. Martinez and Theresa Martinez for Holmes Harbor Cellars located at 4591 S. Honeymoon Bay Rd., Greenbank, WA

Liquor License application continued from January 9, 2006, having received an extension from the State Liquor Control Board to allow an opportunity for the applicant to resolve/clarify the issues addressed in memorandum dated January 4, 2006. That having occurred with letter submitted from Planning & Community Development dated February 3, 2006, the Board by unanimous motion approved New Application Liquor License #088898-6E by Holmes Harbor Cellars, LLC, Gregory T. Martinez and Theresa Martinez for Holmes Harbor Cellars located at 4591 S. Honeymoon Bay Rd., Greenbank, WA, approving the liquor license application for the purpose of producing and distributing the home made wine but not approving the tasting room portion of the license at this time.

Amended Assumption of Liquor License No. 359811-F from Fidalgo Pizza, Inc. dba Pizza Factory by Norma A. Hill Corporation and Norma Angelica Hill located at 947 Ault Field Road, Oak Harbor, WA

Approval at Staff Session February 1, 2006 was ratified by unanimous motion of the Board.

HEARING HELD: RESOLUTION #C-149-05/R-58-05 – RESOLUTION - FREELAND COMPREHENSIVE SEWER PLAN AND ENGINEERING REPORT/FACILITY PLAN

At 10:15 a.m. Chairman McDowell opened a public hearing for the purpose of considering Resolution #C-149-05/R-58-05 – Resolution Approving the Freeland Comprehensive Sewer Plan and Engineering Report/Facility Plan. Inasmuch as the legal ad for the hearing was in error, the Chairman explained the two choices for the Board:

1. Cancel the hearing and schedule another Public Hearing with proper legal advertising; or
2. Hold the hearing today to take testimony from those who are present and want to speak on the issue, then continue the hearing to another date so that the new hearing date and time can be properly advertised and those people who did not know about today's hearing can attend. Minutes from today's hearing will be transcribed as soon as possible in order to be available so that those who come to the second hearing will know what has gone on before.

The Board opted to go ahead and hold the hearing today to take testimony from those attending. At the time of hearing approximately 7 members of the public and press were in the audience, along with a number of Island County staff members.

Randy Brackett, Assistant County Engineer, on behalf of Bill Oakes, Public Works Director, read Mr. Oakes' memorandum to the Chairman of the Board dated January 20, 2006 into the record:

For the record at your public hearing on February 6, 2005, the Public Works Department has reviewed the proposed Comprehensive Sewage Plan and has the following responses to your memo of January 11, 2006:

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

1. As provided in my letter to the Board on November 22, 2005, the plan meets the engineering review requirements of RCW 57.16.010(2).
2. The plan is in compliance with the policy plan and land use, utilities, and capital facilities elements of the Island County Comprehensive Plan as they relate to sewage facilities.
3. Public Works recommends that the Freeland Water District as proposed in the plan is the most appropriate district to serve this area with sewage facilities.

Gary Hess, Public Works Engineer, provided background information on the Freeland Comprehensive Sewer Plan.

Plan written as a companion document as part of the Freeland Sub-Area Plan under contract with Tetra Tech/KCM Engineers, Seattle; work began October, 2002. Public Works Department worked closely with the Freeland Sub-Area Planning Committee, Planning & Community Development Department, and Island County Health Department, and in cooperation with the Freeland Water District. County entered into an Interlocal Agreement with the Freeland Water District to provide that in the event the plan was brought to completion and implemented, Island County would be reimbursed for expenses from the capital raised for the implementation of the plan.

Four well-advertised, well attended public meetings were held, as well as follow-up open public meetings with the Freeland Sub-Area Planning Committee at regular meetings to discuss and deliberate on issues brought forward regarding the plan, including development of the design of the collection system, selection of the treatment processes, review and approval of the entire program as it relates to development of Freeland sewer facilities. The Plan was written to provide service for the entire Freeland NMUGA with the exception of Holmes Harbor Sewer District and the Main Street Sewer District, through the year 2050, based on full build-out of the anticipated NMUGA at full density, in five phases:

Phase I	Downtown commercial core
Phase II	Infill closest to that core
Phase III	Infill of the area of the NMUGA to the west of the downtown core including the Holmes Harbor/Bercot Road area
Phase IV	Low build out of the entire NMUGA with a population of approximately 4,000 people
Phase V	High density build-out of that same service area.

Ultimately the system would be able to serve population equivalence of about 7,000 people. Phases were thought to be the most logical with the understanding the area to develop first would be the commercial core which is the area of greatest need.

Plan calls for a STEP system [septic tank effluent pumping]; every residence or business would have a septic tank and pump on site and a shallow burial pressure sewer that would pump the sewage effluent down to the treatment plant site on Bush Point Road. The treatment plant would use membrane technology to treat to a full Class A reuse treated quality that would allow for landscape irrigation or eventually groundwater recharge. In order to have a year-around location to use the effluent a tree farm property off Mutiny Bay Road was selected where effluent could be land-applied and percolate to the aquifer through slow recharge. As later phases develop, there could be reuse piping to serve the rest of the community for landscape irrigation. In order to keep costs reasonable, there is no plan to construct large storage basins.

The plan has been reviewed extensively by the Sub-Area Planning Committee, County departments and the Freeland Water District and has been forwarded to the Commissioners for review and approval.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

Tim McDonald, Health Services Director, explained that Keith Higman, Environmental Health Director, was assigned to address the question on whether the Freeland Water District's proposed Comprehensive Sewage Plan and Sewage Facilities was in compliance with the basinwide sewage plan approved by the State Department of Ecology and State Department of Social and Health Services, and Mr. Higman responded by memorandum dated January 25, 2006, that:

Island County has not developed a basinwide sewage plan. Therefore, compliance with this requirement is a moot point.

A Memorandum from the Board of County Commissioners (January 11, 2006) asked Mr. McDonald to determine if the proposed sewage plan and sewage facilities would most appropriately be served by a different district, such as the Main Street Sewer District. Mr. McDonald responded by memorandum dated January 31, 2006, commenting that:

The Island County Health Department does not know of any district different from the Freeland Water District that may more appropriately serve the area identified in the Freeland Comprehensive Sewer Plan with sewage service. In a letter dated November 21, 2005, I notified the Freeland Water District that pursuant to RCW 57.16.010(6) the Comprehensive Sewer Plan has been reviewed and approved. I have attached a copy of that letter for your convenience.

Phil Bakke, Planning & Community Development Director, who provided a memorandum to the Board dated January 31, 2006, stated that the NMUGA study performed in the Freeland area consisted of a volunteer committee who held nearly 100 meetings to come up with a plan and recommendation for the Freeland area. His memorandum confirms that the Planning & Community Development Department found the sewer plan consistent with the County's Comprehensive Plan as well as the draft Freeland Sub-Area Plan. Boundaries used by the consultants in preparation of the plan were reviewed extensively by the Committee who recommended those boundaries for the future NMUGA for Freeland. Mr. Bakke believes the sewer plan is a necessary step in moving forward with the NMUGA plan as well as for completing the environmental impact statement (EIS) being reviewed and prepared in conjunction with the NMUGA study. He recommended approval, finding the Plan consistent with the Island County Comprehensive Plan.

Addressing the reasoning about not getting the NMUGA on the schedule before the Planning Commission and Board of County Commissioners prior to approval of the sewage plan, Mr. Bakke explained that the Department had been preparing an EIS for the plan; a component of that is the actual sewer plan. The issue was discussed with the State Department of Community Trade and Economic Development. It is necessary as a part of the NMUGA plan to have the sewer study completed and even start to identify funding mechanisms to support it. Planning's decision was to hold back the Freeland NMUGA plan. Now that the sewer plan is at this point and once the Board takes action on it, he believed that would facilitate Planning's completion of the EIS and moving that before the Planning Commission. Mr. Bakke had an informal conference with CTED and mapped out and discussed how this could move forward. Since this NMUGA came about as a result of a Growth Board action, at that point it was the consensus between the Planning Office and CTED this was the right way to go, absent specific legislative steps to be taken.

Mike Dolan, Director, Freeland Chamber of Commerce, commented that in 2004 the Chamber was approached by several commercial property owners to facilitate a process for the Freeland sewer plan

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

to be studied in such a way that the commercial property owners could make a financial decision about taxing themselves for a sewer system. There are approximately 96 property owners within the proposed Phase I boundaries; of those when polled, 56 agreed to continue with a financial feasibility study and agreed that the Chamber continue working with the Freeland Water District and others interested in the process. Funds were collected towards a \$60,000 study to obtain information for the commercial property owners about how funding could be acquired and what it would ultimately cost to install a sewer system within the proposed Phase I boundaries. Polling those 56 property owners again to get a sense of where they stand today, able to get in touch with 29 out of the 56, all 29 agreed to continue with the process of bringing the information forward to the commercial property owners within proposed Phase I boundaries. The Chamber is acting only as a facilitator, representing the interests of the commercial property owners in favor of adopting the Freeland Sewer Plan.

Brian R. Paige, Inslee, Best, Doezie & Ryder, P.S., Attorneys at Law, Bellevue, Wa., read into the record his firm's letter dated February 5, 2006, faxed to the Board of County Commissioners, original handed in today [on file].

This firm represents Main Street Sewer District (Main Street). On behalf of Main Street, we submit this letter to oppose Freeland Water District's request for approval of its comprehensive plan pursuant to Chapter 57.16 RCW and RCW 57.08.065.

As you are aware from the November 17, 2004 letter from the Board of Commissioners of Main Street to the Freeland Water District (see Attachment A), Main Street intends to provide sewer service to the Freeland area, which is the same area proposed to be served by Freeland Water District (Freeland Water). Main Street's intent was formalized in a comprehensive plan dated August 18, 2005, which was submitted to Island County for approval on August 31, 2005. Main Street is willing and able to upgrade and expand its sewage treatment plant, at a lower cost than proposed by Freeland Water, to serve the Freeland area. Main Street has encouraged Island County, and continues to encourage Island County, to take advantage of Main Street's experience and expertise in serving a portion of the Freeland area with sewer service, and to allow the developers, property owners and citizens of the Freeland area to have sewer service for less cost than the Freeland Water proposal.

As explained in greater detail below, the County Board of Commissioners must deny Freeland Water's request for approval of its general comprehensive plan for the following reasons:

- Freeland Water's general comprehensive plan is the "Freeland Comprehensive Sewer Plan and Engineering Report/Facility Plan" dated February 2005 and prepared by Tetra Tech/KMC, Inc. ("Engineering Report"). The Engineering Report is intended to be an appendix to and an integral part of the draft Freeland Sub-Area Plan, which is dated August 6, 2004 ("Freeland Sub-Area Plan"). The draft Freeland Sub-Area Plan has not been approved by the County Board of Commissioners, and has not even been submitted to the Planning Commission for review. To satisfy RCW 57.02.040, the County Board of Commissioners must determine that Freeland Water's proposed comprehensive plan is in compliance with the approved Freeland Sub-Area Plan and its policies. Because such Plan and policies are not final, and can be changed, even significantly, before approval by the County Board of Commissioners, Freeland Water's proposed comprehensive plan cannot be approved at this point in time.
- RCW 57.08.065 requires Freeland Water to obtain a certification of necessity from the Department of Ecology to provide sewer service. The Department of Ecology has not issued a final certification of necessity. Obtaining a final certification of necessity is a condition precedent to County approval of Freeland Water's general comprehensive plan.
- Main Street's general comprehensive plan for a system of sewers, submitted to the County on August 31, 2005, is deemed approved by inaction of the County. Main Street's plan covers the same territory

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

as Freeland Water's plan but is inconsistent with Freeland Water's plan; therefore, Freeland Water's plan must be disapproved.

Failure to Approve Freeland Sub-Area Plan

In 1998, Island County designated the community of Freeland as a mixed use Rural Area of Intensive Development ("RAID") pursuant to RCW 36.70A.070(5)(d). A RAID is essentially a rural designation, as opposed to an urban growth area designation, and therefore is severely constrained in terms of development and population growth. Island County anticipates directing a significant percentage of the urban growth of Island County to Freeland. Therefore, the RAID designation is an interim measure only, and will be replaced by the designation of Freeland as a Non-Municipal Urban Growth Area ("NMUGA") pursuant to RCW 36.70A.350. Designation of Freeland as a NMUGA will allow Freeland to be developed at higher densities and uses, similar to an urban growth area. In order to establish Freeland as a NMUGA, Island County must adopt a plan. In 2004, the Freeland Sub-Area Planning Committee completed a draft NMUGA plan, entitled "Freeland Sub-area Plan". That plan, however, has not been presented to the Planning Commission for review, and obviously has not been adopted as an amendment to the County comprehensive plan by the County Board of Commissioners.

By Resolution No. 05-3, Freeland Water has adopted the Engineering Report as its general comprehensive plan. The purpose of the Engineering Report is to describe a proposed centralized sewer collection, treatment and disposal system, and to suggest a plan for financing its construction. The Engineering Report is proposed as an appendix to the Freeland Sub-area Plan. Thus, the scope and

analysis of the Engineering Report is dependent upon the provisions and policies of the Freeland Sub-area Plan, as adopted by the County Board of Commissioners. For example, in approving the Freeland Sub-Area Plan, the Board of Commissioners will need to establish the boundary of the NMUGA, as well as the population, land use zoning designations, and infrastructure improvements, including but not limited to transportation, water, sewer, stormwater and parks facilities. The Freeland Sub-Area Plan states at page 25 with regard to sewer facilities as follows:

Perhaps the largest challenge for implementation of such a plan is an affordable funding option...While the Freeland Water District may seem the likely candidate for managing the system, formation of a new district is a possibility; in either event, it is the landowners, residents and business owners within Freeland that will be responsible for instigating the implementation of the plan by majority vote.

In other words, the Board of Commissioners must make significant decisions regarding the Freeland Sub-Area Plan, of which the Engineering Report is a part, before the final Freeland Sub-Area Plan is adopted. One of those decisions is the identification of the district that should provide sewer service to the Freeland area.

Therefore, because the Freeland Sub-Area Plan has not been adopted, County consideration of Freeland Water's general comprehensive plan is premature.

The County Board of Commissioners is considering Freeland Water's general comprehensive plan pursuant to RCW 57.16.010, which provides in part that:

The general comprehensive plan shall be approved, conditionally approved, or rejected by each of the county legislative authorities pursuant to the criteria in RCW 57.02.040.

RCW 57.02.040 provides in relevant part that:

In approving or not approving the proposed action, the county legislative authority shall consider the following criteria:

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

- (a) Whether the proposed action in the area under consideration is in compliance with the development program that is outlined in the county comprehensive plan...and its supporting documents; ...
- (c) Whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities.

The “development program” of the “county comprehensive plan” and the “policies in the county plan for sewage facilities” will be the Freeland Sub-Area Plan, together with the Engineering Report, after they are considered and approved by the County Board of Commissioners. Therefore, until the County Board of Commissioners considers and approves the Freeland Sub-Area Plan, the County Board of Commissioners cannot approve the Freeland Water District general comprehensive plan under the two criteria of RCW 57.02.040 quoted above.

Certification of Necessity-Department of Ecology

Unlike Main Street, Freeland Water currently does not provide sewer service, and does not have any sewage facilities. RCW 57.08.065 provides that Freeland Water cannot:

proceed to exercise the powers to establish, maintain, construct, and operate any system of sewerage...without first obtaining written approval and certification of necessity from the department of ecology and department of health.

By Resolution No. 05-3, adopted on September 16, 2005, Freeland Water adopted a comprehensive plan for a system of sewerage. Such a plan is the “exercise of the power to establish a system of sewerage,” as contemplated by RCW 57.08.065. Freeland Water, therefore, must obtain final certifications of necessity from both the Department of Ecology and the Department of Health before it can adopt a resolution approving a comprehensive plan. Freeland Water has obtained initial certifications of necessity from both departments. However, as you are aware, Main Street has appealed the Department of Health approval to the Thurston County Superior Court and Department of Ecology approval to the Pollution Control Hearings Board. The certification of necessity from the Department of Ecology was stayed on January 4, 2006 by the Pollution Control Hearings Board pursuant to RCW 43.21B.320 and WAC 371-08-415. Freeland Water, therefore, does not yet have a final certification of necessity from the Department of Ecology. Without such final certification, Freeland Water cannot proceed with its request for approval of the comprehensive plan adopted by Resolution No. 05-03. In other words, Freeland Water must wait until receipt of a final certification of necessity from the Department of Ecology before requesting Island County to approve its general comprehensive plan.

Furthermore, the administrative rules of the Department of Ecology, and the Department of Health, which are identical, interpreting and applying RCW 57.08.065 quoted above, state that a certification of necessity should not be granted unless a sewer provider, such as Main Street, does not intend to “construct and operate a sewer system in a substantial portion of the proposed service area within the reasonably foreseeable future.” WAC 246-270-040 (Health); WAC 372-52-050 (Ecology). Prior to the determinations by the two Departments on the applications of Freeland Water for certifications of necessity, Main Street declared its intent to “construct and operate a sewer system in a substantial portion of the proposed service area within the reasonably foreseeable future.” There is substantial likelihood, therefore, that Main Street will prevail in its challenge to the certifications approved by the Departments.

In view of the above, Island County should act prudently and not act on Freeland Water’s request for approval of its general comprehensive plan until the certification of necessity issues are resolved.

Main Street Comprehensive Plan is Approved

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

On August 11, 2005, the Board of Commissioners of Main Street by motion approved a general comprehensive sewer plan for Main Street, and authorized it to be submitted to Island County for review and approval pursuant to Chapter 57.16 RCW. (See "Attachment "B"). A motion is the equivalent of a resolution. See, *Spokane v. Ridpath*, 74 Wash. 4, 132 P. 638 (1913). Main Street's general comprehensive plan included the greater Freeland area. By letter dated August 31, 2005, Main Street forwarded the plan to Gary Hess of the Public Works Department, Keith Higman of the Health Department, and Mike Shelton of the Board of Commissioners, as required by RCW 57.16.010. (See "Attachment C"). In order to monitor Island County's consideration and approval of the general comprehensive plan, Main Street's letter stated that "we would like to be kept informed as the plan goes through the review process, and will be available to answer questions and attend hearings."

Island County staff has not responded to Main Street. Therefore, Main Street assumes that the plan was approved in accordance with the law. RCW 57.16.010 states that the County Engineer and the County Director of Health have 60 days to approve or reject the comprehensive plan. Those officials can extend the 60 days by an additional 60 days "if sufficient time is not available to review adequately" the plan. RCW 57.16.010(6). The 60-day extension must be approved by the end of the first 60-day period. Neither the County Engineer nor the County Director of Health granted the 60-day extension. Therefore, they both are deemed to have approved the comprehensive plan by the end of October, 2005.

The County Board of Commissioners has 90 days after receipt of the comprehensive plan to approve, conditionally approve or reject it. RCW 57.16.010(6). The County Board may extend consideration of the comprehensive plan by 90 days, as long as the extension is granted within the first 90 days. The County Board failed to grant a 90-day extension. Therefore, the County Board is deemed to have approved the Main Street general comprehensive plan by the end of November, 2005.

Having approved the Main Street comprehensive plan by inaction, the County Board of Commissioners cannot approve the Freeland Water comprehensive plan, as Freeland Water's plan covers the same territory.

Conclusion

We thank you for considering our comments and arguments, and look forward to your rejection and disapproval of Freeland Water's general comprehensive plan for the reasons discussed above.

Not being of the opinion that there is a preliminary and a final certificate of necessity, Commissioner Shelton assumed Mr. Paige referred to the challenge by Main Street to the Pollution Control Hearings Board and the stay until that has been before the Pollution Control Hearings Board. A Certificate of Necessity was issued, stayed until the Hearings Board acts.

Mr. Paige agreed that was correct.

As far as the fact that the County had not acted on the plan submitted by Main Street Sewer, Commissioner Shelton referred Mr. Paige to their letter sent to him which mentions that Main Street's plan was "a draft plan".

Mr. Paige believed the intent behind the letter was that it remain a draft plan until the County had approved it; the rest of the letter and its context, along with the minutes, shows intent was to submit it for review to the County. He did say that he had not reviewed that letter prior to it being issued but did believe intent was it would be reviewed and remain a draft until approved by the County.

Commissioner Shelton suggested that it would be expected that the County consider Main Street's plan not complete insofar as it was a draft plan.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

Mr. Paige expected if there was any confusion on the part of the County as to whether it was intended to be a draft or a legitimate proposal, the County would follow up with Main Street and get some clarification on it, which had not occurred.

Commissioner Shelton attended a public hearing held by the Main Street Sewer Commissioners in Freeland he believed last summer, and the plan was presented, was somewhat cheaper apparently on face value than the plan presented by Tetra Tech. However, the engineers at the time said "but you need to understand that for the 6. some odd million dollar price tag this plant will be at capacity by the year 2015". GMA requires the County to plan (and the genesis for the NMUGA in Freeland) for a 20 year planning horizon. He questioned then how Main Street's plan would meet a 20-year planning horizon when their engineers stated that the plan is at capacity in roughly 9 years from now.

Mr. Paige could not answer the question, feeling it better answered by their engineer, Dave Voight and agreed to forward the question to Mr. Voight for a response to the Board in writing.

Mitchell Striker of Freeland, indicated although he did not live in the core area, resided less than a 5-minute walk to the Freeland Library. He mentioned that the Freeland Sub-Area Plan had been 1-1/2 years in the County's hands, and believed the Surface Water Report had been in County hands over a year, and he felt very uncomfortable about it. He thought it fine and good if the downtown people were able to have stores and pay for them, but the problem was that the residential community is not on board with that, which is why he believes phasing is proposed. The residential community does not want or need it. He suggested coming up with a plan restricted to the downtown core enabling the core to better afford the sewer system because. Whatever the costs are the costs will be less if sized for the core.

Commissioner Shelton recognized there are areas in Freeland who for a long time to come would not choose to annex into the sewer system. The impetus to create the next phase would not come by some proclamation of the County, rather from the people who live in the areas. Future phases for the sewer district are dependent upon the people who live in those areas voting to annex themselves into the sewer system.

Tim McDonald addressed the issues Mr. Paige raised about the Main Street Sewer District Plan. The Main Street Sewer District plan has not been sent to Mr. McDonald with a request for review; typically a sewer district will send a letter requesting review under the appropriate statute. Main Street Sewer District sent to staff member Keith Higman a draft plan marked "Draft for District Review". Mr. McDonald does not consider that a draft for comments pursuant to the RCW. Frequently sewer districts go through processes of draft plans before they arrive at a final plan and at the point of the final plan submit that to the County Engineer, Bill Oakes, and to the Director of Health Department, Tim McDonald, with a formal request for review; those plans are marked "Final" plans as opposed to a draft plan. Typically the Island County Health Department does not comment on draft plans; rather, wait until the plan has gone through the draft plan process and arrived at a final plan and submitted to the Director of the Health Department for review pursuant to the statute.

The Chairman reminded that the hearing would be continued, with the proper advertisement; minutes from today's hearing will be transcribed as soon as possible in order to be available so that those who come to the second hearing will know what has gone on before.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

Commissioner Shelton moved to continue the Public Hearing to March 6, 2006 at 2:30 p.m. on Resolution #C-149-05/R-58-05 – Resolution Approving the Freeland Comprehensive Sewer Plan and Engineering Report/Facility Plan. Motion, seconded by Commissioner Byrd, carried unanimously.

**TURNBACK AGREEMENT #PW-0520-304 - WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION; TURNBACK AGREEMENT TB 1-0190; SR 20, SIDNEY STREET
VICINITY TO SCENIC HEIGHTS ROAD**

As presented and recommended for approval by Randy Brackett, Assistant County Engineer, Turnback Agreement #PW-0520-304 between Island County and Washington State Department of Transportation; Turnback Agreement TB 1-0190; SR 20, Sidney Street vicinity to Scenic Heights Road

**AGREEMENT #PW-0620-06 - CASCADE SOFTWARE SYSTEMS; IMPLEMENTATION OF
COST ACCOUNTING MANAGEMENT SYSTEM AND AGREEMENT #PW-0620-09 FOR
ANNUAL MAINTENANCE AGREEMENT**

Agreement #PW-0620-06 between Island County and Cascade Software Systems for implementation of cost accounting management system per State and County audit requirements, in the amount of \$47,490.00 and Agreement #PW-0620-09 between Island County and Cascade Software Systems for an Annual Maintenance Agreement for Cost Accounting Management System module in the amount of \$5,006.40 were approved by unanimous motion of the Board as presented.

**QUIT CLAIM DEED APPROVED - BAYVIEW ROAD IMPROVEMENTS CRP 98-17,
WORK ORDER 229**

As presented and recommended for approval, the Board by unanimous motion approved Quit Claim Deed between Island County and Kenneth and Kim Kramer, for the above-stated road project, in the amount of \$2,885.00 (\$643.00/land, \$1,142.00/fencing, \$1,100.00/administrative), Parcel 321-5250, located in Sec. 7, Twp 29N, R 3E.

CAMANO HILL ROAD IMPROVEMENTS - CRP 02-04, WORK ORDER 176

As presented and recommended for approval, the Board by unanimous motion approved the following Temporary Construction Easements, Quit Claim Deeds associated with Camano Hill Road Improvement project under CRP 02-04, Work Order 176:

Temporary Construction Easement – PW-0520-72; Island County and Robey Angel & Sally S. Carlos, Parcel 272-0420; Sec. 6, Twp 31N, R 3E.

Temporary Construction Easement – PW-0520-92; Island County and Douglas G. Hennick & Kathleen R. McKoon-Hennick, Parcel 362-240; Sec. 12, Twp 31N, R 2E.

Quit Claim Deed – Island County and Douglas Hennick & Kathleen R. McKoon-Hennick; \$17,900.00/land; parcel 362-2400; Sec. 12, Twp 31N, R 2E.

Temporary Construction Easement – PW-0520-118; Island County and William C. & Ann A. Rusby; Parcel 211-4950; Sec. 1, Twp 31N, R 2E.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

Quit Claim Deed – Island County and William C. & Ann A. Rusby; \$3,600.00/land; Parcel 211-4950; Sec. 1, Twp 31N, R 2E.

Quit Claim Deed – Island County and William C. & Ann A. Rusby; \$2,821.00 (\$2,818.00/land, \$3.00/administrative settlement); Parcel 211-4950A; Sec. 1, Twp 31N, R 2E.

Quit Claim Deed – Island County and William C & Ann A. Rusby; \$3,529.00/land (administrative settlement for remainder); Parcel 211-4950A; Sec. 1, Twp 31N, R 2E.

Temporary Construction Easement – PW-0520-135; Island County and Ronald M & Donald L. Watkins; Parcel 454-3870; Sec. 12, Twp 31N, R 2E.

Quit Claim Deed – Island County and Ronald M. & Donald L. Watkins; \$11,500.00/land; Parcel 454-3870; Sec. 12, Twp 31N, R 2E.

MONROE LANDING ROAD - CRP -02-03, WORK ORDER 356

As presented and recommended for approval the Board by unanimous motion approved the following Temporary Construction Easements, Construction Easements and Quit Claim Deeds associated with Monroe Landing Road project under CRP 02-03, Work Order 356:

Temporary Construction Easement – PW-0520-234; Island County and Stephanie C. Garlich & Jeffrey L. Ried; Parcel 214-5050; Sec. 21, Twp. 32N, R 1E.

Quit Claim Deed – Island County and Stephanie C. Garlich & Jeffrey L. Ried; \$1,100.00/land; Parcel 214-5050; Sec. 31, Twp 32N, R 1E.

Construction Easement – PW-0520-247; Island County and Craig McKenzie; Parcel 349-5060; Sec. 16, Twp 32N, R 1E.

Quit Claim Deed – Island County and Craig McKenzie; \$13,572.00 (\$3,200.00/land, \$3,572.00 /improvements, \$6,800.00/administrative settlement); Parcel 349-5060; Sec. 16, Twp. 32N, R 1E.

Temporary Construction Easement – PW-0520-283; Island County and William L. & Elizabeth A. Swackhamer; Lot 91, Division No. 2, Plat of Pen Cove Park; Sec. 22, Twp 32N, R 1E.

Temporary Construction Easement – PW-0520-284; Island County and Wesley & Pauline Nordlund; Lot 90, Division No. 2, Plat of Penn Cove Park, Sec. 22, Twp 32N, R 1E.

Quit Claim Deed – Island County and Wesley & Pauline Nordlund; \$3,300.00 (\$2,800.00/land, \$500.00/landscaping); Lot 90, Division No. 2, Plat of Penn Cove Park, Sec. 22, Twp 32N, R1E.

Temporary Construction Easement – PW-0520-286; Island County and James P. Ringenberg; Lot 84, Division No. 2, Plat of Penn Cove Park; Sec. 22, Twp 32N, R 1E.

**AGREEMENT #PW-0520-322 – SARAH SCHMIDT- CAMANO WATER QUALITY GRANT
TASK COORDINATION**

Agreement # PW-0520-322 between Island County and Sarah Schmidt for the Camano Water Quality Grant Task Coordination, in the amount of \$14,950, with a completion date of March 31, 2007, was

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

approved by unanimous motion of the Board as presented and recommended.

PUBLIC HEARINGS SCHEDULED – OPEN SPACE APPLICATIONS

Phil Bakke, Planning & Community Development Director, recommended public hearings be scheduled to hear five open space applications, forwarded to the Board with staff recommendation of approval. By unanimous motion the Board scheduled a public hearing on March 13, 2006 at 10:30 a.m. on the following applications:

OPS #451/05 – Scott Hendrickson for Freeland Holdings, LLC The applicant requests that 60.14 acres of the 69.54 parcel be transferred from Designated Forest tax classification to Timber Land current use program. Parcel R23024-194-3330 and R23024-064-3150 located on South Whidbey in Section 24, Township 30, Range 2E.

OPS #439/05 – Gary & Carol Buck The applicants are requesting that 17 acres of 20 acres of land (two parcels) be enrolled into the Timber Land current use program. Parcel R32920-170-4850 and R32920-170-4160 located on South Whidbey in Section 20, Township 29N, Range 3E.

OPS #348/05 – Tom Paur The applicant requests that 18.2 acres of his 19.7 acre parcel be enrolled into the Timber Land current use classification. Parcel R23111-073-4080 located on North Camano Island in Section 11, Township 31N, Range 2E.

OPS #467/05 – Michael & Susan Murphy The applicants are requesting that 8 acres of their 10.98 acre parcel be enrolled into the Timber Land current use program. Parcel R23101-100-3150 located on Camano Island in Section 1, Township 31N, Range 2E.

OPS #454/05 – Daniel & Shelley Minzel The applicants are requesting that 16.5 acres of their 20 acres of land (on three parcels) be enrolled into the Timber Land current use program. Parcel R23020-500-0600, R23020-470-0250 and R23020-435-0600 located on Central Whidbey Island in Section 20, Township 30N, Range 2E.

**RESOLUTION #C-11-0-6/PLG-004/06 - REVISING TRACK 3 TO AMEND THE
SCHEDULE FOR REVIEW AND UPDATE OF THE WETLAND POLICIES AND
REGULATIONS**

As presented and recommended for approval by Mr. Bakke, the Board by unanimous motion approved Resolution #C-11-06/PLG-004/06 In the Matter of Revising Track 3 to Amend the Schedule for Review and Update of the Wetland Policies and Regulations. [copy on file with the Clerk of the Board] (GMA #8594).

**WATER QUALITY WORKSHOP BASELINE MONITORING AND SOURCE
IDENTIFICATION**

Staff Present:

Planning:	Phil Bakke	Jeff Tate	Joe Burcar	Kirsten Harma
	Anthony Boscolo	Mike Kershner	John Coleman	
Public Works:	Kim Bredensteiner			
Health Dept.	Tim McDonald	Keith Higman	Doug Kelly	

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

Consultants - Dr. Paul Adamus; Keith Dearborn, available via conference phone:

Audience: Several members of the public, including Marianne Edain and Steve Erickson, WEAN; and representatives from Whidbey News Times and Coupeville Examiner

Hand-outs: Draft Water Quality Data Synthesis and Recommendations for a Surface Freshwater Monitoring Program by Dr. Paul Adamus, Adamus Resource Assessment, Inc. and Water Resources Graduate Program, Oregon State University, Corvallis, OR with Island County Department of Planning & Community Development and Joe Eilers, MaxDepth Aquatics, Bend, OR, January 18, 2006 available on the Island County Planning website at <http://www.islandcounty.net/planning/> [GMA #8631]

Proposed Ordinance PLG-003-06 In the Matter of Establishing a Surface Water Quality Monitoring Program for Non-Tidal Waters [also available on the Planning website posted Underneath the Draft Plan] [GMA #8628]

Memorandum from Doug Kelly, Hydrogeologist, Island County Health Department, to Jeff Tate, Assistant Director, Island County Planning Department dated October 13, 2005 RE: Agricultural Water Quality Impacts [GMA #8499]

Review Schedule for Water Quality [GMA #8615]

Summary outline of Dr. Adamus' power point presentation [GMA #8632]

Display: Maps posted on the wall during the presentation were identified as figures located the back of the Draft Plan

Presentation by Doug Kelly

Using his hand-out projected on-screen, Doug Kelly explained what was done: took existing groundwater data base from about 6200 wells in the system now, and extracted 3 key pieces of information: (1) how deep the wells are; (2) location of wells [coordinates of each well]; and (3) chemistry from the wells through a series of nitrate samples from the wells and date samples taken. That information used to look at groundwater quality trends as it pertains to nitrate concentrations through time, related to land use to the degree possible and to critical aquifer recharge areas (CARA).

Looking at the entire county for wells, on a 5-year time span – see the chart in the hand-out “Nitrate Concentration in Wells County Wide”. Example, 1980-1984 inclusive took all the data from water quality samples from those wells for that time period segregated by the depth of the wells, and created two groups: wells less than 200' deep and wells greater than 200' deep. For that time span, then came up with two numbers: average nitrate concentration in the deep wells and what was the average nitrate concentration in the shallow wells. Moving forward with 5-year time spans, ended up with the plot on the chart; found exactly what was expected: shallow wells have a significantly higher nitrate concentration than the deep wells slightly more than double both in trend and rate of increase.

Late two years ago as part of the watershed planning process CARAs were mapped using DOE Methodology, ending up with four maps, rating each of those, summed together, coming up with a CARA susceptibility scoring – how susceptible are aquifers to surficial contaminants, and came up with three categories: low, moderate and high. Well location data inserted across that map, through GIS, then extracted for every well in the data base what area CARA ranking it fell into.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

Refer to Charts: Nitrate Concentration in Wells, CARA Low, CARA Moderate, CARA High. Average nitrate concentrations are significantly lower in the low susceptibility CARA than county wide, true of both the deep aquifers and the shallow aquifers, although the rate of increase is higher county wide. Moderate susceptibility – comparing shallow and deep aquifers, maps out almost identical to county wide trends. High susceptibility – seeing significantly higher average concentrations and a significantly higher rate of increase in the shallow aquifers than county wide, but in deep aquifers about the same.

Same exact exercise done looking at CARAs. Looked at zoning, divided zoning up into two categories [refer to chart “Nitrate Concentrations In Wells – Agricultural parcels] Agriculture, and Non-Agriculture and mapped all of the AG and rural zones, commercial AG and rural AG parcels, dropping well information on top of that map, to then question does this well fall within one of the three categories of AG. The same questions then asked about AG parcels v. non AG parcels. What was found was that average concentrations in the shallow wells are very slightly higher than the County wide average; however, the trend appears to be decreasing. There is a relatively small data set so there is not a lot of wells in the AG areas. It may be because either the regulations for AG have been getting progressively more restrictive as far as pollution potential over the years or just a movement overall County wide away from AG. For deep wells, fairly equal to the County wide averages; rate of increase is slightly higher and the average nitrate concentrations are slightly higher. Between 1998 and 2002 shows a slight decrease; if that is real, it may be the improvement seen in the shallow wells is beginning to have an impact on the deep wells. Non AG parcels – represents the majority of wells and mirrors both in the shallow wells and deep wells almost exactly the same as county wide averages.

Overall average nitrate concentrations appear to be slightly higher in agricultural areas. However, after about 1996 that is no longer true, is actually dropping and therefore below what the non-AG areas are showing. It is known that both AG land uses and other activities, such as residential land use, can contribute to groundwater contamination; therefore, proper management of agricultural nutrients, wastes and chemicals are essential for prevention of serious groundwater contamination problems. Similarly, proper septic system designs, siting and maintenance are necessary for the exact same reasons, especially as we see significant growth in the residential sector.

The highest rate of increase and the highest average nitrate concentrations were found in high susceptibility CARAs. One type of protection could be those measures already in place, coupled with an adaptive management approach. There is in Island County a long term groundwater monitoring network which should provide warning; that network benefits from a significant quantity of free data from public system monitoring and water available identification from permitting.

Presentation by Dr. Adamus

Reviewed some of the key points from the Draft Water Quality Data Synthesis and Recommendations for a Surface Freshwater Monitoring Program, overhead presentation as outlined in the handout provided.

Five basic reasons the focus is on surface freshwater:

- Connection to ground water
- Salmon & the ESA – growing concern among federal and state agencies about not only salmon physical habitat but also whether these streams have enough quality water – when salmon get through are they getting access to a place that is livable
- Puget Sound pollution - concern about shellfish, seabirds, marine mammals
- Impacts on critical areas like wetlands – what effect water quality is having on critical areas in the county

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

- Water appearance & swimming [public perception] - streams, ditches and channels that may “look” polluted

Pollution – potential sources:

Septic systems
Road runoff
Agriculture
Natural sources – birds, natural geology and soils
Pollution transported from elsewhere

Key terms:

Exceedence: any incident, however brief, in which a threshold for water quality is exceeded.

Violation: an exceedence that meets specific legal criteria for consistency (duration, frequency), causation, and/or other factors, and thus is a potential basis for enforcement

In the short time to prepare the report, could not analyze which of the exceedences are potentially violations, because criteria for that are very complex. Did go through existing water quality data base, both surface and ground water, and screened for exceedences. A lot of the areas are areas that are “hot” area areas that have been sampled a lot; a large portion of the county has not been sampled. Reviewed figure 9 map [printed larger version of the map posted for everyone to see]. All the water quality parameters were considered on an equal basis.

Objectives of the Countywide Monitoring Program

- Locate exceedences
- Determine if exceedences constitute potential violations
- Identify likely causes
- Propose actions to address causes
- Use new data from Countywide monitoring to tailor the BMPs to local conditions

Staff, NRCS and Conservation Districts have done their very best to tailor BMPs for standard and custom plans to landowners with specific situations. A lot of times their ability to tailor in a certain situation does not depend so much on their knowledge as it does about having some data to work with, to now whether the BMPs need to be tweaked in one direction or another and it is felt that the WQMP could provide a substantial amount of data for that purpose

Key Terms

Threshold: a pre-established number, trend, or condition which when exceeded is worthy of notice and/or action. Includes but is not limited to Standards.

Standard: a specific threshold adopted as a basis for action by State or Federal agencies.

What the County could use to set thresholds

1. Existing legal standards (EPS and the State of Washington have published standards for the different substances)
2. Non-adopted criteria if Best Available Science (BAS)
3. Reference values from Island County. As the data base is built over time, will be able to tell “what is a lot and what is a little” in various types of surface waters in the County, with different ranges for lakes than for streams or wetlands; those three types of surface waters are not being treated the same.
4. Multi-year trend (seasonal Kendall-tau test). Other counties statistically speaking can only pick up trends after about five years; there is a very specific statistical test the State agencies use.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

5. Documented damage to surface water uses. County could decide to set a different threshold than what the federal and state agencies require and what BAS says if there is actual damage that is documented.

Surface Water Quality Parameters

Category	Parameter	Standards Set?	County to Monitor?
Bacteria	Fecal Coliform	Yes	Yes
Nutrients	Phosphorus	No	Yes
	Nitrate	Yes for drinking water	Yes
Physical	Dissolved Oxygen	Yes	Yes
	Temperature		
	Turbidity		
	Ph		
Metals	Cadmium	Yes	No
	Lead		
	Mercury		
	Zinc		
Hydrocarbons	(many)	Yes	No

While he would like to see the County monitor everything there are standards for, metals and hydrocarbons, for example, but that would require something in excess of a million dollar budget and he did not know of any county in Washington that does all of that in long term monitoring. It would be his hope that through additional efforts in obtaining grants from state and federal agencies those could fund data collection for metals and hydrocarbons at least in high risk situations. He encouraged flexibility in adding and subtracting things from this list in response to data collected and BAS.

Of these substances, some are more important to human health and others more important to fish and other aquatic life. Under federal and state laws no particular priority is given to things that threaten human health as opposed to animal health. Fecal coliform are namely of concern to humans but coliform serves as a warning flag for a lot of other things that may accompany that. Nutrients are of concern, nitrates in case of drinking water and wells but also those two substances are important to the ecological health in the county – wetlands and lakes. The physical parameters are of concern largely to salmon and other aquatic life. Metals themselves are of a concern from a human health perspective, but also of concern to aquatic life, fish in particular. In the more coastal areas here where the water hardening is quite high, there are different standards, more forgiving for high metal concentrations in waters closer to the ocean. Hydrocarbons includes pesticides, weed killers, gas, oil, etc.

The program itself has three basic components:

Reconnaissance Sampling. The purpose is broad-brush screening for exceedences, only the first year. Large number of surface water points, most located near the bottom of watersheds, not in the tidal zone but just above. Broad-brush trying to find out where getting exceedences.

Baseline Monitoring is repeated at same locations for at least five years. In addition to looking for exceedences also looking at trends. Baseline monitoring as well as reconnaissance to a lesser degree, give information on what the normal background conditions are. Sites stratified by AG v. Developed v. Natural, and by watershed geomorphology [what type of geology does it have; what kind of soils; what

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

size is the watershed, steeply sloping]. Through a clustering analysis came up with eight types of watersheds in Island County.

Source Identification Sampling. One of the tracks is “sampling intensification” [increasing the number of samples upstream or downstream]. Source tracing is the second track used to pin point things more precisely – not used first because it is incredibly expensive and science not totally there yet.

Where to monitor/sample – Watershed Prioritization.

1. Exclude Federal [military] lands, State & Municipal lands
2. Decide which factors to use for ranking & which have spatial data
3. Combine the factors systematically to generate ranks.

Tools for the Prioritization Process. Showing risk and value index.

Risk index is the maximum percent of agriculture land, developed land, where timber has been harvested according to DNR in the watershed, and the number of miles of roads and ditches.

Value index is the sum of the percent of watershed containing: aquifers of high susceptibility; habitats of local importance proposed by Audubon and others, salmon, pocket estuaries, other fish streams [1/2 value], non fish streams [1/4 value] and lakes and bogs. Concerned about bogs in Island County because over the centuries there has been huge loss of bogs, not only in Island County but also throughout a lot of Western Washington, and are extremely sensitive to nutrients.

Risks and value indexes were used to address priorities for baseline monitoring, source identification and reconnaissance:

For baseline priority –

- Agricultural Baseline: highest % AG
- Developed Baseline: highest % Developed
- Natural Baseline: % Forest + % Wetland – Risk

Source Identification Priority –

Value + (average of Risk, Exceedence)

Reconnaissance priority: Value + Risk.

Refer to Maps #6 and #7 in the report, also larger versions posted on the wall. Map 7 shows values, areas shown that will be those proposed to be monitored in all the watersheds. All 125 watersheds are numbered which indicates ranking from 1 to 125 in this system of values, a broad brush priority.

Strategy for Allocating Limited Funds. Funding about the same as other counties are spending in Washington.

2006. Monitor 21 reconnaissance sites (representing 21 different watersheds). In addition to those 21 reconnaissance sites, there will be 8 baseline–natural; 8 baseline–developed; 8 baseline – agricultural watersheds which will begin that 5-year sampling program.

2007. Continuing baseline begun the first year and using that data start identifying sources. At most 9 watersheds for source ID will be done per year . It is a maximum and expect as you encounter problems/host of issues that number will have to be trimmed down quite a

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

bit, maybe only to 1, 2 or 3 source ID watersheds per year. Reference maps – rationale way for deciding which or all 9 watersheds will be source ID'd.

2008-2010. Same baseline sites, but 9 new source watersheds each year.

What Will the Baseline Monitoring Accomplish? [refer to chart in hand-out]

24 baseline watersheds - as listed on the chart and recommended in the Report Budget Required - \$108,648 [\$4,527/watershed]

Figure (map) 10 shows the each of the three 8 baselines, subject to change if it turns out that some include too much municipal land or military land – could change the priority by going down to the next one on the list.

Figure (map) 11 shows areas that are prioritized for source ID. This map could change quite a bit based on findings during year 1 with baseline and reconnaissance monitoring.

Dr. Adamus then responded to questions from the Commissioners:

Standards set by EPA/State, how does the State of Washington rank with other States and Oregon?

There is a provision that certain standards in Washington can be more stringent than EPA standards (did not know percentage of counties). Most states do go with the EPA standards. Compared to Oregon, could not answer off the top of his head.

In “natural areas” i.e. large concentration of migratory type birds, etc. with direct discharge into the water body – what is to be done about those? Okay as long as natural but not okay if not natural?

Washington State code is fairly specific and states that if you can show exceedences are due to natural phenomenon then there is no legal action to bring it down below the threshold. It may be like in the case of arsenic in groundwater in Island County where the County may issue advisories to people because it is not something can really do a whole lot about. There is the legal aspect and then the broader values question.

Arsenic is not listed in the list of metals?

Required in groundwater [wells used for drinking water]; if indeed it is required for surface water it was left out by accident. Arsenic certainly can harm plants and birds, etc. in addition to humans.

The Chair allowed for a brief question and answer period among staff, audience members and Dr. Adamus. The following questions posed by Steve Erickson were answered by Dr. Adamus:

Dr. Adamus mentioned he did not have time in producing the report to go back through the data base of all exceedences and determine which of those actually qualify as violations; any plans to go back and do a future analysis of the material?

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
FEBRUARY 6, 2006**

In most cases there is not going to be enough data to meet state criteria for a violation. Skeptical given the amount of time and effort needed to go back through existing data in terms of violations and dredge through the existing data to get a few nuggets of value in terms of violations. County resources much more wisely spent starting from scratch and taking into account what's already out there and doing it right.

Vegetation parameters - talking about looking at the basic structure in riparian areas?

The habitat riparian structure would not be part of this water quality program. The chart in the power point presentation should have included it as one of the things that will be monitored but only in one particular situation, wetlands. Still will sample water quality wetlands but want to compare that with vegetation in wetlands to understand better the relationship between those two. The vegetation monitoring that would occur would be mostly the sort done this last summer.

Next WQMP Workshop: Special Session February 27, 2006 9:00 a.m. on Adaptive Management.

There being no further business to come before the Board at this time, the meeting adjourned at 2:20 p.m. The next regular meeting of the Board will be held on February 13, 2006 at 9:30 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