

**BOARD OF ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING SPECIAL
SESSION - MARCH 26, 2007**

The Board of Island County Commissioners met in Special Session on March 26, 2007, beginning at 5:30 p.m., at Four Springs, Meadow Room, 585 Lewis Lane, Camano Island, WA. Mike Shelton, Chairman, Wm. L. McDowell, Member, and John Dean, Member, were present. The Special Session was called for the following purposes:

5:30 p.m. Public Hearing

[public input closed] continued from March 19, 2007 on Zoning Amendment ZAA 047/06 by Lenz Enterprises

6:00 p.m. Public Hearings:

- (A) **Ordinance #C-31-07/R-06-07** Regulating Speed Limit on Wagner Road
- (B) **Resolution #C-27-07/PLG-012-07** Adopting Camano Island Non-Point Pollution Prevention Plan

**HEARING CONTINUED: ZONING AMENDMENT ZAA 047/06 BY LENZ ENTERPRISES
TO CHANGE ZONING CLASSIFICATION OF A 5.32 ACRE PARCEL R33228-448-4330
FROM THE RURAL ZONE TO RURAL VILLAGE ZONE**

At 5:30 p.m. as scheduled, Chairman Shelton opened a public hearing, continued from March 19, 2007, on Zoning Amendment ZAA 047/06 by Lenz Enterprises [public input closed], a proposal to change the zoning classification of a 5.32 acre parcel R33228-448-4330 from the Rural Zone to the Rural Village Zone, located on Highway 532 on the north end of Camano Island.

Attendance

Staff: Jeff Tate, Assistant Director, Planning & Community Development
Andrew Hicks, Assistant Planner, Planning & Community Development

Public: Approximately 15 [Attendance Sheet GMA #9232]

Chairman Shelton recalled that at the hearing held on March 19, 2007, the Board received input from the proponent, staff and members of the public, and the hearing continued to allow the Board an opportunity to seek additional legal input from the County's attorney in relation to this issue.

Commissioner McDowell thought some interesting points had been brought out at the last hearing by Richard Langabeer, Langabeer & Tull, P.S., Bellingham, representing Lenz Enterprises [March 19, 2007, included in the GMA record as # 9222] for which he needed further information before making a decision. This issue is a legislative decision inasmuch as it is part of the County's annual update. Commissioner McDowell referenced Mr. Langabeer's letter dated March 21, 2007 [GMA Record #9233] to David Jamieson, Jr., Island County Prosecutor's Office, including a copy of the March 19th letter to the Board and map, confirming that he had no objection to the Board getting further legal direction and gave his perception of the legal issues. With regard to the date that an existing use had to be in use to count, staff said that date was December 1, 1998, the date of the adoption of the Comprehensive Plan; Mr. Langabeer said the date was 1990 when the Growth Management Act was passed. After speaking with the County Attorney, Commissioner McDowell was convinced the correct date was December 1, 1998, and because of that, the County would not be able to approve the rezone.

Commissioner Dean likewise spent time researching County law with regard to the date to use in determining existing use. Island County Code 17.03.040 clearly defines "existing" as December 1,

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1998. The parcel had no commercial uses on that date, the County's Comprehensive Plan Designation Criteria for Rural Village clearly states that the land must be characterized by existing development that is predominately non-residential and mixed-use. After researching what a Rural Village is, it is clearly stated that it is a non-expandable logical outer boundary, a zoning unit that is non expandable. He agreed with Planning staff that the parcel does not meet the definition of Rural Village as defined in the County Plan and does not meet the Designation Criteria of the Comprehensive Plan.

By unanimous motion, the Board denied Zoning Amendment ZAA 047/06 proposing to change Rural Zone to Rural Village Zone.

**HEARING HELD – ORDINANCE #C-31-07/R-06-07 REGULATING SPEED LIMIT ON
WAGNER ROAD**

As advertised and scheduled, a Public Hearing was held beginning at 6:00 p.m. on Ordinance #C-31-07/R-06-07 Regulating Speed Limit on Wagner Road, located in Section 31, Township 31 N., Range 3 East, W,M. Camano Island.

Attendance:

Staff: Bill Oakes, Public Works Director
Public: Approximately 20 citizens *[Attendance sheet on file]*

Mr. Oakes reviewed the proposed Ordinance to regulate the speed limit on Wagner Road. Wagner Road leaves West Camano Drive and loops back to West Camano Drive; current speed limit is 35 mph the entire length. Exhibit A refers to West Camano Drive and needs to be corrected to correctly reflect South Camano Drive. After receiving a petition from residents of the area to lower the speed limit, and having conducted an engineering study, the Department recommends lowering the speed limit on the southern section of Wagner Road to 25 mph. This is an old platted community with smaller lots and more density. One engineering study analyzed speeds traveled on the road using a statistical analysis determine what the traveling public is doing. An 85th percentile speed was compared to the pace speed. Both studies support lowering the speed limit to a more residential type 25 mph speed limit.

Ms. Robin Heflin, located at the corner of Hill Park Court and Wagner Road, inquired why the speed limit reduction had been requested since there seems to be very few children in the neighborhood and very few walkers. She felt the current speed limit was adequate.

Mr. Oakes responded that the petition requested the speed limit be lowered from 35 mph to 25 mph because of safety concerns with respect to neighborhood walking and safety concerns for children.

John Forst, located on the other corner of Hill Park Court and Wagner Road, was not in favor of reducing the speed limit and did not agree it was a safety issue, believing that the speed limit should be enforced at 35 mph before lowering it to 25 mph.

Dennis Heflin, Hill Park Court, inquired about accidents that had occurred or traffic tickets issued, as well as the number of people who signed the petition to reduce the speed limit. He believed 35 mph was an appropriate speed limit, commenting that this is a wide-open street and could see the 300 to 400 yard length of the road.

Mr. Oakes stated that there were no accidents reported on the road; 27 people signed the petition.

Public comment portion of this hearing closed at 6:12 p.m.

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Chairman Shelton commented that the engineering traffic study supports lowering the speed limit, and the Board normally base speed limits on the traffic studies done by the Public Works Department.

Commissioner Dean recalled that he used to walk on that lane, knows the folks that live there and is aware that most of them are not in any rush to get home. If people are already driving 25 mph, he was in favor of the ordinance.

Commissioner McDowell observed that people usually drive the speed they feel is safe.

By unanimous motion, the Board adopted Ordinance #C-31-07/R-06-07 Regulating Speed Limit on Wagner Road located in Section 31, Township 31 N., Range 3 East W. M., Camano Island. *[Ordinance #C-31-07 on file with the Clerk of the Board]*

**HEARING HELD: RESOLUTION #C-27-07/PLG-012-07 ADOPTING THE CAMANO
ISLAND NON-POINT POLLUTION PREVENTION PLAN**

Immediately following the prior hearing, as advertised and scheduled, Chairman Shelton opened a Public Hearing on Resolution #C-27-07/PLG-012-07 Adopting the Camano Island Non-Point Pollution Prevention Plan (Plan).

Attendance:

Staff: Jeff Tate, Assistant Director, Planning & Community Development
Public: Approximately 30 citizens *[Attendance Sheet GMA #9234]*

Mr. Tate presented the Plan and explained that point pollution as an identified source of pollution, whereas non-point pollution is cumulative of impacts of many small sources. The Board established creation of the Plan as a priority beginning in 2004, and the County at that time secured grant funding from the Department of Ecology. RCW 90.48.040 authorizes local jurisdictions to regulate and address non-point pollution, and WAC 400-12 developed for the Department of Ecology provides oversight guidance for local jurisdictions and addresses the process. The Camano Island Watershed Management Committee (CIWMC) was established by Resolution #C-12-04 on February 9, 2004. In 2004 and 2005 the CIWMC focused primarily on education. In 2006 the County contracted with John Lombard, Steward and Associates, for assistance, and CIWMC presented a draft Plan at public hearing on September 28, 2006, triggering a 30-day public comment period. The Planning Department's Environmental Review (SEPA) process concluded on October 17, 2006. During the late 2006 and early 2007, Mr. Tate recalled that a number of staff sessions were held with the Board. Assuming the Board adopts the Plan, the document will be transmitted to the Department of Ecology, who has a 30 day window to file and approve the document. WAC 400-12 describes four different phases of developing a non-point pollution plan. CIWMC identified and ranked areas of concerns into high, medium, and low: Highest level - bacterial pollution; High/Medium - nitrates; Medium - turbidity/ sedimentation; Low - metals and toxics.

As Mr. Tate noted, the Plan contains more than 50 recommendations to help address concerns, such as on-site sewage systems, farm practices, storm water management, household practices, forestry, marinas and boats, measurement and evaluation. Each recommendation contains a summary, a section on implementation, priority level and cost. Recommendations are ranked by cost: Low: less than \$20,000; Moderate: \$20,000-\$50,000; High: more than \$50,000.

Mr. Tate reviewed some of the highlights from the Summary of Recommendations (Table 3-1, page 54). Many recommendations provide on-going support to continue programs in Island County that already exist or are just getting started. The Water Quality Monitoring Program is of particular

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importance and the CIWMC expressed support of that program and recognition for steps already taken, supporting the County's agricultural program encouraging the use of low impact development, storm water recommendations and public facilities, state mandated septic rule update, education and outreach, transferring jurisdiction of Forrest Practice Permits from the State Department of Natural Resources to Island County, establishing a citizen-based advisory committee as a sub unit of the Planning Commission, and continue efforts to update and enhance critical area regulations. The Snohomish Conservation District played a very important part in the Plan on a number of the recommendations, although most of the focus was on the farm practice issue. An inter-local agreement was signed with the Snohomish Conservation District last year although not yet effective. There is a Superior Court Hearing is scheduled in June in Thurston County which both the Governor and State agencies have provided legal support and are filing amicus briefs with the Court to support the County's AG program (*Wean v. Island County, Thurston County superior Court No. 06-2-02026-7 to express continued support for Island County's inclusion of science-based, best management practices*).

Roy Leshner, Lakewood Drive, was privileged to see the Plan evolve and encouraged adoption of the Plan. Looking at the Plan in the context of where it fits in with other efforts such as the Puget Sound Action Team, he thought it a seamless fit. From a personal point of view the Plan may be a little shy in terms of addressing additional regulatory requirements, penalties and fines for people who are in violation, but suggested those could be addressed in time. He mentioned the uniqueness of Camano Island, and not just wall to wall environmental people but wall to wall septic systems, with no central sewage treatment facilities. The Plan does no harm but does not enhance what is proposed by the Health Department regulations increasing inspection of septic systems. His heartfelt request was that the Board adopt the Plan.

Joan Schrammeck, Scenic Avenue, Camano Action for a Rural Environment (CARE), appreciated those people who put in so much time and effort to study the issues and make recommendations. CARE wholeheartedly supports the Plan and appreciates the letters of concurrence from the various State agencies. Concerns focus on what happens next in terms of oversight and how Camano Island residents stay in the process and ensure they remain part of the process and are not out-numbered by others. She inquired about how the members of the Planning Commission would become educated on non point pollution.

The Chairman commented about new State regulations around septic inspections. He confirmed the County's implementation of the Water Quality Monitoring Program in relation to agricultural practices, noting that should it be determined that AG BMPs are not adequate in terms of the environment via an identified AG practice, the County is committed to taking action. Storm drainage is a concern. All of these things dove-tail with Puget Sound Partnership which will require regulation; many issues outlined in the Plan are some of the same things the Partnership will require.

As far as what happens next, Mr. Tate agreed with the need to formulate a course of action which is a priority of the Planning Department. The resource enhancement program created last year deals with salmon recovery issues, non-point pollution, water quality monitoring, and all of those people involved are communicating, and there needs to be dialogue with the Planning Commission as another step. A concern of the CIWMC was the fact the Planning Commission addresses issues in all of Island County, which is the reason for the recommendation about bringing in members of the Water Resources Advisory Committee from Camano Island, Planning Commission members from Camano Island and other groups from Camano Island to discuss the issues, that would become a sub-unit of the Planning Commission. The Planning Commission would be the primary body for public dialogue about

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regulation and policy change. Once the Plan is adopted, the County will come up with a web page addressing the Camano Island Non Point Pollution Plan. The Planning Commission is well versed in a lot of these issues, and the education process should not be at the level the Committee experienced.

Julius Budos, S.E. Camano Drive, member CIWMC, noted that the CIWMC recommended an Advisory Committee in the Plan (Recommendation 2 in Measure and Evaluation section). He referred to Appendix B, letters of concurrence, a letter from Phil Bakke, Planning Director, which seems to imply that follow-up to the Plan will be under jurisdiction of the Planning Commission. He asked if that letter superseded the recommendation in the Plan or was that something for consideration by the Board.

As far as a citizens based committee if the Plan is adopted, Mr. Tate thought ultimately that would be something for discussion with the Board and Planning Commission. The letter referenced in the document dated March 20 is almost identical to the letter handed out in November or December which included statements that the Planning Commission would be the appropriate body to structure something under. The statements offered by the Planning Director show that a separate citizen committee not part of the Planning Commission is something that the Department has concerns over, but he read the letter as something supported here and the recommendation describes that. It is a discussion that occurs after adoption of the Plan.

Larry Bach, Lawson Road, a voting member of CIWMC and co-author of the Plan, expressed total support of the Plan and the recommendations contained therein. He is a fan of adaptive management, supportive of the new water quality monitoring program, and through adaptive management identified issues can be dealt with. He urged that the Board consider the importance for people interested who live on Camano Island to be able to participate, noting that CIWMC would like to have standing with County and participate in the process. Mr. Bach supported all the programs that have been implemented by the County. He thought it was all about priorities as far as which programs should be funded. He urged adoption of the Plan.

Allison Warner, Dove Drive, spoke on behalf of CARE, noting comments had been made previously during the public process indicating endorsement of the Plan. CARE's main concern relates to the process, the issue of a citizens based committee. It appears that the recommendation of the majority of CIWMC is not being heard or adopted in the final recommendation. CARE believes that the Planning Commission does not have the wherewithal, time, skill, knowledge or interest in a coherent fashion to carry this forward and bring it to fruition. A citizen based committee as a subcommittee of the Planning Commission seems like a logical idea.

In response to Ms. Warner's question that if the Plan were adopted this evening would it include the proposed priority scheme, Mr. Tate answered yes.

Scott Chase, Cassidy Court, a technical advisor on the CIWMC, a member of WSU Beach Watchers and Shore Stewards, noted recently there were a lot of different agencies and groups meeting together to educate the community on non-point pollution. He mentioned several workshops would be coming up in the next couple of years focusing on salmon recovery and non-point pollution.

Bill Thorn, Sandy Beach Drive, endorsed the Plan, thought it extremely well done and endorsed the comments that Camano needs a strong representation in implementation of the Plan. He expressed some concern with the letter from Island County Public Works (Appendix B), a qualified acceptance of the concept of low impact development. While everyone else bought into it, Public Works provided only a conditional acceptance of this approach, which Mr. Thorn does not agree with. He thought the County should be held to the same standard everyone else would be, whether or not it is deemed

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practical and cost effective, and suggested there should be some exception taken to that in approval of the Plan.

Public input closed at 7:13 p.m.

Commissioner Dean echoed other comments about the good work of the committee, and was totally impressed with the Plan and the amount of work done. He tentatively supported the concept of an oversight committee to help implement the Plan, and that the issue of the oversight committee should remain on the table, whether the group was formalized or not, and believed that Camano Island citizens needed to oversee the implementation of the Plan. He inquired of Mr. Tate what happened to the CIWMC once the Plan is adopted.

Mr. Tate answered that the Resolution forming the Committee stated the purpose was to create the Plan, write the Plan, provide recommendations, and it was his belief that the current committee would then sunset. The Committee cannot continue without action by the Board of Commissioners.

Commissioner McDowell thanked the Committee for staying together for the three years and producing the Plan, and expressed appreciation to Mr. Tate as well. He pointed out that things do evolve, and believed for the last ten years people have started to recognize and become more aware of these issues and slowly getting to understand the importance. Cost has always been an issue; it could cost on an annual basis between \$1.7 to almost \$2 million. He cautioned that just because this passes does not mean suddenly the County has that money, rather the County sets priorities and starts slowly budgeting for those priorities. There are three non-point pollution plans and probably all three will start taking the same direction over the next few years. He expressed his support of the Plan.

Chairman Shelton was supportive of the Plan, and of the Non Point Pollution Plans developed in the County, believed this Plan was the best. This Plan lays out some very real targets and solutions recommended by the Committee that will have a positive impact on Camano Island. The County is already implementing some things that will have a positive effect on the issues called out in the Plan, a large number of parts of this Plan in various stages of implementation right today. The County is committed to implementing this Plan; there are some limitations on funding, and there are some mechanisms to fund some issues. He congratulated the Committee for the three years of dedicated hard work.

By unanimous motion, the Board approved Resolution #C-27-07, PLG-012-07 Adopting the Camano Island Non-Point Pollution Prevention Plan. *[Resolution #C-27-07 on file with the Clerk of the Board]*
[GMA #9235]

There being no further business to come before the Board of Commissioners at this time, the Chairman adjourned the meeting at 7:35 p.m. The Board will meet next in Regular Session on Monday, April 2, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Coupeville, WA.

BOARD OF ISLAND COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

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Wm. L. McDowell, Member

John Dean, Member

ATTEST:

Elaine Marlow
Clerk of the Board