

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
August 27, 2007 – REGULAR SESSION**

The Board of Island County Commissioners convened in Regular Session at 11:00 a.m. on August 27, 2007 for a Roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room, Annex Building, 1 NE 6th Street, Coupeville, Wa. Other topics for the Regular Session followed at 1:30 p.m. as shown on the agenda. Mike Shelton, Chairman, Wm. L. McDowell, Member, and John Dean, Member, were present.

**ROUNDTABLE WITH ISLAND COUNTY
ELECTED OFFICIALS AND APPOINTED DEPARTMENT HEADS**

Elected Officials and Appointed Department Heads Attending:

Phil Bakke	Larry Larson	Don Meehan	Dan Sherk
John Dean	Elaine Marlow	Mike Merringer	Suzanne Sinclair
Sharon Franzen	Dave Mattens	Bill Oakes	
Betty Kemp	Mac McDowell	Mike Shelton	

Others:

Stan Bradshaw
Kerry Graves
Dave Hollett
Mike Simmons

Presentation

Stan Bradshaw and Dave Hollett were in attendance to explain the Government Emergency Telecommunications Service (GETS) program, a program involving key personnel who would need to stay in contact with the Emergency Operations Center (EOC) during a significant event in Island County. If the phone lines are congested, the “GETS” program will give the enrolled caller priority to call out of or into the EOC as needed.

Stan Bradshaw, Central Services Network Administrator, introduced the Government Emergency Telephone System (GETS) and explained its origination. Dave Hollett, Director of Emergency Management, distributed the GETS phone cards saying that a card was ordered for each department head and key personnel for use in an emergency. He then demonstrated how to access the system with the card.

General Roundtable Discussion

Budget Director: Site visits are scheduled in mid-September with the City of Kirkland and Everett schools to review the Sungard Bitec Accounting/HR system. The visits will be helpful to envision how the system may look once the County’s project is completed.

Human Resources: It was suggested that because there were no nominations for an Employee of the Month for July that instead of monthly awards, they be given quarterly. There are no set criteria in place when selecting an Employee of Month other than someone going “above and beyond” what is

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normally expected. It was agreed that the award should continue to be given once a month with more attention by department heads given to the program.

Commissioners: This being Chairman Shelton's last participation in Roundtable discussion, he thanked everyone for their support over the years.

Assessor: Change of Value Notices are on schedule to be mailed August 31st thanks to the hard work of staff. Significant progress this year has been made in the right direction concerning the segregations backlog.

Facilities/Maintenance: Reminder how important it is to have departing employees follow the check-out policy and return keys.

Auditor: General election ballots will be mailed out about October 19 with a county-wide participation. Concerning the audit, last expected visit will be Wednesday with an unknown date at this time for the exit conference. Two new employees in Monica Felici who replaced Cheryl Knighton and Mariah Knoblich who replaced Barbara Oleson as licensing deputy. Attended a WACO meeting as part of the Community Trade and Economic Development Committee on County Governments. The Committee is an inspiration of the Legislature to look at the government structure of counties with an eye to making it more efficient. WACO Annual Conference is first week of October. Voter Intent Manual/Instructions helped to reduce problem ballots.

Clerk: Shorthanded as a Deputy Clerk is on maternity leave for two months. With the help of Sylvia Fairfax, have now begun the process of imaging older records.

Planning & Community Development: Planning Commission is again taking up the Wetlands subject in September and October conducting a host of public meetings surrounding the "final staff draft." The recommendation will be introduced to the Board at its Regular Session on November 19, 2007 at 3:00 p.m. Development is down; pressure for permits has lessened easing the load for staff.

Juvenile: Juvenile arrests for the State are at an all time low for 2006. The Board adopted the 1/10th of 1% Mental Health Initiative Tax which will bring in about \$900,000 a year for programs to address both mental health and substance abuse. A timeline and priorities for the program will be created in October. The State will add to the program additional funding one time only.

Roundtable adjourned at 11:32 a.m. The next Roundtable is scheduled for September 24, 2007 at 11:00 a.m.

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The Board of Island County Commissioners (including Diking Improvement District #4) met at 1:30 p.m. to consider items contained on the agenda. The meeting opened with the Pledge of Allegiance. By unanimous motion the Board approved the minutes from the August 20, 2007 Regular Session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher(War.) # 269925-270125	\$ 404,353.78
Electronic Fund Transfers	\$ 26,235.27

APPROVAL OF SEPTEMBER STAFF SESSION AGENDA

By unanimous motion the Board approved the Staff Session Agenda for September 2007 with Regular Sessions scheduled September 5 and September 19, 2007. Added to the September 19 Chairman’s Agenda is the WSU/Volunteers presentation scheduled to last approximately 1 hour.

SELECTION OF INTERIM CHAIRMAN OF BOARD OF COUNTY COMMISSIONERS

Upon the resignation of Chairman Shelton the Board by unanimous motion appointed Wm. L. McDowell to serve as Interim Chairman for the remainder of 2007, effective August 28, 2007.

ISLAND COUNTY COMMISSIONERS – COMMITTEE REASSIGNMENTS – 2007

Due to the resignation of Chairman Shelton, the Board by unanimous motion approved the reassignments of the following committees for the remainder of 2007:

Board Appointed

Board/Committee	Commissioner
North Sound Regional Support Network	Dean
Senior Services Advisory Board	Dean
North Sound Connecting Community’s Project (Farmhouse Gang)	Dean
Washington Counties Risk Pool	Dean

Due to the committee reassignments, the following committees will remain vacant until assigned:

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Board Appointed	Appointed by Resolution/Mandate or Other
Technology Committee	Northwest Workforce Development Council
Northwest Regional Council	
Solid Waste Advisory Board	
Economic Development Council	

**AMENDMENT NO. 1 TO LETTER AGREEMENT WITH MOSS ADAMS TO PROVIDE
CONSULTING SERVICES**

By unanimous motion the Board approved Amendment No. 1 to the Letter Agreement with Moss Adams to provide consulting services for the financial system replacement project in the amount of \$20,000.00. [RM-BUD-06-118]

**AMENDMENT B TO INTERLOCAL AGREEMENT WITH WASHINGTON STATE
MILITARY DEPARTMENT FOR E911 FUNDS**

The Board by unanimous motion approved Amendment B to the Interlocal Agreement with the Washington State Military Department to provide State Enhanced 911 funds for the County's FY07 Wireline and Wireless operations at ICOM in the amount of \$124,050.00. [RM-BOCC-07-0159]

**HEARING SCHEDULED: ORDINANCE C-94-07 AMENDMENT TO ICC 3.02C.040, RURAL
COUNTY SALES OR USE TAX, TO ALLOW FINANCING ECONOMIC DEVELOPMENT
OFFICE PERSONNEL**

By unanimous motion the Board scheduled a public hearing to be held on September 17, 2007 for the purpose of considering Ordinance C-94-07 Amendment to ICC 3.02C.040, Rural County Sales or Use Tax, to Allow Financing Economic Development Office Personnel.

AMENDMENT NO. 1 TO SERVICES AGREEMENT WITH CKWEBSITES

The Board by unanimous motion approved Amendment No. 1 to the Services Agreement with Kimberly Cerra and Christine Nyburg, doing business as CKWebsites, to develop the Agriculture Sustainability and Land Stewardship Program website in the amount of \$4,000.00. [RM-EXT-07-0158]

SERVICES AGREEMENT RENEWAL WITH PORTER GROUP LLC

The Board by unanimous motion approved a Services Agreement Renewal with Rex Porter, doing business as Porter Group LLC, to serve as the Marine Resources Committee Executive Director in an amount of \$19,500.00. [RM-EXT-07-0158]

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SERVICES AGREEMENT RENEWAL WITH DAN MARTIN PEDERSEN

By unanimous motion the Board approved a Services Agreement Renewal with Dan Pedersen, doing business as Dan Martin Pedersen, to serve as the Marine Resources Committee Communications Manager in the amount of \$30,160.00. [RM-EXT-07-0162]

AGREEMENT WITH WILDLANDS MANAGEMENT

By unanimous motion the Board approved an Agreement with Steve Wirth, doing business as Wildlands Management, for the eradication of Spartina in the amount of \$95,000.00. [RM-EXT-07-0156]

CONTRACT WITH CXT, INC.

The Board by unanimous motion approved a contract with CXT, Inc. for the purchase and installation of a vault toilet at Lone Lake. Contract Amount: \$13,456.27 [RM-PKS-07-0151]

HOYPUS HILL CONSERVATION EASEMENTS

By unanimous motion the Board approved the following two Hoypus Hill Grant Deeds of Conservation Easements as follows:

Grant Deed of Conservation Easement with Robert L. Foster, Douglas L. Foster, Rick L. Foster, Stanley E. Sandvik and Marilyn J. Sandvik for Parcel No. R23431-462-3260. [RM-PKS-07-0124]

Grant Deed of Conservation Easement with Susan M. Kaanta, Stanley E. Sandvik, Marilyn J. Sandvik, Douglas L. Foster, and Rick L. Foster for Parcel No. R23430-003-4250 [RM-PKS-07-0125]

HEALTH DEPARTMENT

By unanimous motion the Board approved the following as transmitted under cover memorandum from Tim L. McDonald, Health Services Director:

Authorization for Legal Action with SB&C, Ltd to pursue collection of account, including legal action for debtor, Mary Grady. SBC No. 5460655.

Contract with Compass Health for Mental Health Programs. The contract will provide mental health services to each of Island County's school districts. Contract No. HS-13-07; Contract Amount: \$72,000.00 (RM-HLTH-07-0121)

Amendment No. 1 to Contract with Roger S. Case, M.D. for Health Officer services. The contract will provide funding for added responsibilities and time requirements for Public Health emergency response planning. Contract No. HD-06-06(1); Amendment Amount: \$11,500.00; Total Contract Amount: \$103,900.00 (RM-HLTH-02-0043)

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Contract with Skagit/Islands Head Start for a Public Health Nurse consultation program. The contract will provide nurse consultation to the Head Start staff on health issues. Contract No. HD-32-07; Contract Amount: \$1,500.00 (*RM-HLTH-02-0047*)

Right-of-Way Agreement with Island County Public Works. The agreement will provide right-of-way occupancy for a Health Department monitoring well on Roberts Way. Contract No. HD-25-07; Contract Amount: \$ -0- (*RM-PW-07-0150*)

LETTER TO PUGET SOUND PARTNERSHIP

The Board by unanimous motion approved signature of a letter to the Puget Sound Partnership endorsing its support of the Island County Planning and Community Development Department's letter to the Partnership dated August 27, 2007. The Board agrees with the points raised in the August 27 letter by Mr. Tate, Assistant Planning Director, and requests that the Partnership assign Island County as its own single action area.

PUBLIC WORKS

By unanimous motion the Board approved the following as recommended by Bill Oakes, Public Works Director:

Roads:

Retainage Bond with Rinker Materials West LLC, doing business as Rinker Materials, for the 2007 HMA Overlays on Camano Island. CRP 07-03; Work Order 412; Contract signed July 23, 2007.

Escrow Agreement with Krieg Construction, Inc. for the 2007 HMA Overlays on Whidbey Island. CRP 07-04; Work Order No. 413; Contract signed August 20, 2007.

Local Agency Standard Consultant Agreement with Reichhardt & Ebe Engineering, Inc. for On-Call General Civil Engineering, Transportation, and Hydraulics Services. Contract Term: Expires December 31, 2010; Contract Amount: \$300,000.00 (*PW-0720-051*)

New Adopt-A-Road Litter Control Agreement with the New Covenant Fellowship for control of roadside litter on Crescent Harbor Road from Hunt Road to Regatta.

Local Agency Standard Consultant Agreement with Enayat Aziz, P.E., doing business as Aziz Engineering Company, for On-Call Geotechnical Engineering Services. Contract Term: Expires July 31, 2010; Contract Amount: \$300,000.00 [*PW-0720-029*]

Drainage:

Purchase Order No. 8403 with Contech Construction Products, Inc. for the purchase of a 112" x 75" x 10ga CM pipe for the Ewing Road Culvert Replacement in the amount of \$11,208.48, including delivery to the Bayview Road Shop. CDP 07-02; WO # 408

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Purchase Order No. 8404 with HD Supply Waterworks. Ltd. for a 250 LF 24” SDR 17 IPS HDPE Pipe in the amount of \$11,502.56, including freight and tax, for the West Beach Outfall. WO # 170

HEARING HELD: ORDINANCE C-87-07 (PLG-017-07) IN THE MATTER OF AMENDING CHAPTER 17.02 AND 17.03 ICC, THE ISLAND COUNTY CRITICAL AREAS AND ZONING ORDINANCES AND THE ISLAND COUNTY COMPREHENSIVE PLAN TO ADDRESS LAND USE COMPATIBILITY SURROUNDING NAVAL AIR STATION WHIDBEY ISLAND

At 2:30 p.m. as scheduled, a Public Hearing was held to consider adoption of Ordinance C-87-07 (PLG-017-07) in the Matter of Amending Chapter 17.02 and 17.03 ICC, the Island County Critical Areas and Zoning Ordinances and the Island County Comprehensive Plan to Address Land Use Compatibility Surrounding Naval Air Station Whidbey Island.

Jeff Tate, Assistant Director of Planning and Community Development, introduced the ordinance by saying it addresses the Air Installation Compatibility Use Zone Study (AICUZ) that Naval Air Station Whidbey Island assembled. Periodically the Navy throughout the country will do AICUZ studies for each base of what the Navy believes would be compatible land uses and intensities of land use in and around Naval installations. Mr. Tate said that NAS Whidbey went through a similar study for the Oak Harbor and OLF areas south of Coupeville. Island County and the City of Oak Harbor then reviewed the study to evaluate the comprehensive plan, zoning and land development regulations, to make sure they are consistent with the AICUZ study. The purpose of the AICUZ study was to address a change-over in new arrivals of aircraft to NAS Whidbey.

Mr. Tate went on to say that the AICUZ study will identify “clear zones” and “accident potential zones 1 and 2,” along with different types of land uses and densities for residential subdivisions being recommended for local government to incorporate into development regulations. The process in Island County began in 2006 with the Planning Department reporting to the Planning Commission what the results of the study were. A Planning Commission Public Hearing was held on May 23, 2006 with deliberations held on August 22, 2006. The Planning Commission ultimately made a final decision and recommendation to forward a proposal to the Board of County Commissioners on October 10, 2006.

Mr. Tate said that prior to forwarding the proposal to the Board of Commissioners the Planning Department went through its customary additional review process first. That additional review includes the State Environmental Policy Act (SEPA) review; the forwarding of proposals to state agencies for a 60-day review of the local land use regulations; and routing of the proposal to the Prosecuting Attorney for approval as to Island County Code format. The Board of Commissioners, Mr. Tate said, scheduled the Ordinance on August 6, 2007 for Public Hearing on August 27, 2007.

Staff reviewed the County Assessor’s database and found pieces of property in the area believed to be affected in terms of density and limiting the ability to subdivide property. Letters, therefore, were sent to those affected property owners on August 6. The proposal was also routed to the City of Oak Harbor for its review and consideration because through the process as Mr. Tate said, the Accident Potential Zones were modified in how they lay on the ground. Once the zoning boundaries changed and began to include a portion of the Oak Harbor Urban Growth Area, the City was invited in for comment. The City does, in fact, have comment on the proposal and for that reason Mr. Tate asked the Board to allow more

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time to work through the issues with the City. The Navy also provided a comment on the proposal by letter requesting one clarification in the comprehensive plan.

Mr. Tate confirmed for the Chairman that he is requesting a 30-day continuation of the Public Hearing to October 1, 2007 in an effort to make sure with the City that the proposal is consistent with the Interlocal Agreement.

Chairman Shelton informed the public attending today's hearing that the Board will not only continue the Public Hearing but will continue the public comment period as well. He did, however, open the floor to public comment should anyone wish to speak.

Margaret Hedgecock, 504 NE 9th, Coupeville asked that the Board not adopt the ordinance as farmland is precious. She asked for clarification of the change that is concerning people.

Commissioner McDowell clarified for Ms. Hedgecock that the crash zone is actually all on federal property and not on private property. He said that the area around Clover Valley is in the "Accident Potential Zone."

For further clarification Mr. Tate said that one of the "Accident Potential Zones" covers some private property. Where it is not technically a rezone the zoning is in the same designation and does limit the ability to subdivide. So, in effect, it has some of the same impact as a rezone. He said there were nine identified properties possibly limited in the ability to subdivide.

Chairman Shelton said the regulation would not take away the ability to farm property. If someone owns 10 acres in the Clover Valley area and wanted to divide it into two five-acre parcels, that could be limited. The 10 acres, however, and the currently existing uses on the 10 acres are not affected.

Vivian Anderson, 4 W. Frostad, Oak Harbor believes she has seven of the nine pieces of the affected properties. She asked the Board not to adopt the ordinance at this time so she has time to talk the matter over with her attorney.

Bonnie Newkirk, 170 W. Frostad Road said her total retirement comes from her property and she believes adoption of the regulations would affect her and her business. She does not believe she received sufficient notice and asks the Board not to adopt the regulations at this time so she can also talk with an attorney. She believes the regulations will affect what she can grow and sell from her property. Mr. Tate questions whether that is true and will discuss with her those concerns.

Ron Christensen, 204 E. Frostad Road, Oak Harbor believes the Navy should compensate those living in the noise zones by paying the difference in property values.

Sue Christensen, 204 E. Frostad Road, Oak Harbor asked how the Board can consider restricting the subdivision of property and thereby further punishing a property owner in that area.

Jane Thompson, 5865 Fish Road, Freeland asked to know why the restrictions and why now.

Chairman Shelton said that the Navy does not believe, and the County agrees, that a concentrated population in the "Accident Potential Zone," where a plane might likely crash, is not a wise idea. It is

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an issue now because the Navy is replacing older planes with new ones and the flight patterns will change.

There being no further public comment at this time the Board continued the Public Hearing for 30 days for the purpose of considering for adoption Ordinance C-87-07 (PLG-017-07) in the Matter of Amending Chapter 17.02 and 17.03 ICC, the Island County Critical Areas and Zoning Ordinances and the Island County Comprehensive Plan to Address Land Use Compatibility Surrounding Naval Air Station Whidbey Island [*GMA Record No. 9448*] to Monday, October 1, 2007 at 10:30 a.m.

HEARING HELD: CONSIDERATION OF AN OPEN SPACE TIMBER LAND CURRENT USE
PROGRAM APPLICATION – OPS 522/06

Immediately following the previous Public Hearing Chairman Shelton opened another Public Hearing for the purpose of considering an Open Space Timber Land Current Use Program Application submitted by Suzannah Dalzell, Parcel No. R32935-450-0630. Mr. Tate said that the application was submitted the first of the year and Ms. Dalzell worked with staff to identify resources on the property in an effort to protect those resources through the Public Benefit Rating System (PBRS). He explained that the more resources there are the more points one receives. The higher the points, the better the tax benefit. Since scheduling the Public Hearing Mr. Tate said additional information was submitted that could affect the point values. For that reason Mr. Tate is asking the Board to continue the hearing for three weeks.

Suzannah Dalzell, 3771 Woodland Hall Lane, Clinton bought the property to restore the headlands to the Glendale Creek and believes her work will have a lasting effect on the Glendale Creek Watershed.

There being no further public comment the Board continued the Public Hearing to September 17, 2007 at 10:30 a.m. for consideration of Ms. Dalzell's Open Space Timber Land Current Use Program Application 522/06.

HEARING HELD: CONSIDERATION OF AN OPEN SPACE TIMBER LAND CURRENT USE
PROGRAM APPLICATION – OPS 056/07

The Chairman opened another Public Hearing for the purpose of considering an Open Space Timber Land Current Use Program Application submitted by Vicki and Glenn Hoffman, Parcel No. R13231-111-1070. Mr. Tate explained the application saying that Mr. and Mrs. Hoffman, Applicants, are requesting that 5.5 acres of their 7.0 acre parcel on Central Whidbey Island be accepted into the program. Planning staff reviewed the application and determined that it meets the requirements for open timber designation and recommends conditional approval.

There being no public comment either in support of or in opposition to the request, the Board by unanimous motion authorized conditional approval of OPS 056/07 by Vicki and Glenn Hoffman as presented and recommended.

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**APPROVAL OF PEER REVIEW PANEL CONSULTANT AGREEMENTS SERVING ON THE
REVIEW PANEL FOR WETLAND WILDLIFE/HABITAT AND WATER QUALITY UNDER
DEARBORN & MOSS CONTRACT**

Phil Bakke, Director of the Planning & Community Development Department, presented for Board approval authorization of four contract amendments for Peer Review Panel Consultants under the Dearborn & Moss, PLLC Contract, as outlined in a Memorandum to the Board from Keith Dearborn dated August 24, 2007 attaching those amendments. The proposed amendments are with Dr. Richard Horner, Dr. Malcolm Hunter, Dr. Aram Calhoun, Dr. John Richardson, and ESA/Adolfson Associates, Inc. and will not exceed in total \$22,500. Following the productive meeting held in June it was decided to ask the Panel to meet again after the sixty day State Agency comment period to review the comments received concerning wetland wildlife/habitat and water quality. Mr. Bakke confirmed the Planning Department's recommendation of approval of the following amendments:

Dr. Malcom Hunter and Dr. Aram Calhoun	Amendment No. 1 Amount: \$10,000
Dr. John Richardson	Amendment No. 1 Amount: \$5,000
Dr. Richard Horner	Amendment No. 1 Amount: \$2,500
ESA/Adolfson Associates, Inc.	Amendment No. 2 Amount: \$5,000

By unanimous motion the Board authorized the four contract amendments under the Dearborn & Moss PLLC Contract for the Peer Review Panel Consultants to allow an additional meeting of the Panel following the State Agency comment period. *[Approval Authorizations GMA Record No. 9449]*

There being no further business to come before the Board at this time, the meeting adjourned at 3:10 p.m. The next regularly scheduled meeting will be held on September 10, 2007 beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Absent when signed
Mike Shelton, Chairman

Wm. L. McDowell, Member

John Dean, Member

ATTEST:

Elaine Marlow, Clerk of the Board