

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING**  
**REGULAR SESSION - MAY 7, 2007**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on May 7, 2007 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6<sup>th</sup> Street, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and John Dean, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from previous meetings as follows: April 20, 2007 special session; April 23, 2007 regular session.

**ELECTRONIC FUND TRANSFERS, PAYROLL, VOUCHERS AND PAYMENT OF BILLS**

By unanimous motion the Board approved Electronic Fund Transfers, the payroll dated April 30, 2007, and the following vouchers/warrants:

Voucher (War.) #261312-261800 for a total of \$587,864.72.

**HIRING REQUESTS & PERSONNEL ACTIONS**

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

<b>Dept.</b>	<b>PAA #</b>	<b>Description/Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Planning	049/07	Plans/Ex. Bldg Insp Trainee/I #418.09	Replacement	05/07/07
Planning	053/07	Plans/Ex. Bldg Insp. #402.05	Personnel Action	05/07/07
Planning	054/07	Plans Ex. Bldg Insp #402.07	Personnel Action	05/07/07
WSU Ext.	050/07	Office Asst., .5fte #1209.00	Replacement	06/11/07
Juvenile	051/07	Wrk Crew Supr./Alter. #1402.08 To Detention, .6fte	Replacement	06/11/07
Health	052/07	Public Health Coord. #2408.10	Personnel Action	05/07/07
Health	055/07	PHN II, .8fte #2406.18	Replacement	05/07/07
Prosecutor	056/07	Deputy Pros. Atty II #1805.00	Personnel Action	05/07/07

**APPROVAL OF LEAVE OF ABSENCE - PPPM 2.01.033**

As presented and recommended for approval by Mr. Larson, the Board by unanimous motion approved Leave of Absence in accordance with Section 2.01.033 of the PPPM (Island County Personnel Policies and Procedures Manual) for Shelley Richardson, Health Department, for a period of seven days.

**ON-SITE REPAIR FINANCIAL ASSISTANCE PROGRAM – WASHINGTON STATE**  
**WATER POLLUTION CONTROL REVOLVING FUND LOAN 2006; CONTRACT**  
**COLLECTION AGREEMENT WITH WHIDBEY ISLAND BANK FOR PROMISSORY**  
**NOTE AND DEED OF TRUST**

As provided by the Island County Health Department, the Board by unanimous motion approved an On-Site Repair Financial Assistance Program, Washington State Water Pollution Control Revolving Fund Loan 2006, Contract Collection Agreement with Whidbey Island Bank for Promissory Note and Deed of Trust between Island County Water Quality (Sellers) and Donna Walters (Buyer), the principal amount loaned \$19,232.60.

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**FAIRGROUNDS EASEMENT AGREEMENT BETWEEN ISLAND COUNTY AND THE**  
**CITY OF LANGLEY**

Chairman Shelton expressed pleasure in submitting for Board approval, the Fairgrounds Easement Agreement between Island County and the City of Langley. The document has been through the Island County legal review process as well as City of Langley legal review. The Chair called attention to one minor clarification in verbiage to Section 3 made this morning after his conversation with Dave Jamieson, Deputy Prosecuting Attorney, at the end of the first sentence, adding the words "at no cost to the county."

Commissioners Dean and McDowell congratulated Chairman Shelton for staying the course and seeing the agreement through to fruition.

By unanimous motion the Board approved Fairgrounds Easement Agreement between Island County and the City of Langley [RM-BOCC-07-0074].

**ROAD EASEMENT SETTLEMENT**

Chairman Shelton introduced for review and signature a letter to Dan Ollis, Chairman, Island County Fair Board, as follows:

As a part of the settlement agreement with Langley for the road easement, the County agreed to provide the side sewer and recreational vehicle dump out station at the Fair's campgrounds. The agreement says that within six months of the County's request, Langley will extend the sewer main so that the side-sewer and dump station can be installed. I anticipate this will all be accomplished well in advance of the 2008 Fair.

During meetings with the Fair Board, Commissioner Shelton agreed to approach his fellow commissioners about the construction of a restroom facility located in the campground. The Commissioners will pursue this issue with the Fair Board but cannot grant blanket approval until such time as design/cost and operational issues are resolved.

By unanimous motion the Board approved the letter to Dan Ollis as presented and read.

**REAPPOINTMENTS TO BOARD OF EQUALIZATION**

By unanimous motion, the Board reappointed the following members to the Board of Equalization for three year terms expiring May 31, 2010:

Maxine Cray, Coupeville  
Peggy Whitford, Oak Harbor.

**RESOLUTION #C-52-07 ESTABLISHING THE ISLAND COUNTY CAPITAL DRAINAGE**  
**PROJECTS FUND**

As presented by Elaine Marlow, Budget Director, the Board by unanimous motion approved Resolution #C-52-07 Establishing the Island County Capital Drainage Projects Fund. [Resolution #C-52-07 on file with the Clerk of the Board].

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**AMENDMENT A TO INTERLOCAL AGREEMENT WITH ICOM - ENHANCED E911 FY**  
**2007 WIRELESS & WIRELINE FUNDS**

The Board by unanimous motion approved Amendment A to Interlocal Agreement with ICOM for Washington State Enhanced E911 FY 2007 Wireless & Wireline Funds, Contract #E07-024, an amendment amount of \$97,198.00 (RM-BOCC-07-0058).

**AMENDMENT #5 TO WASHINGTON STATE OFFICE OF SECRETARY OF STATE GRANT**  
**UNDER HELP AMERICA VOTE ACT FOR ELECTION EQUIPMENT AND SPACE**  
**REMODEL COSTS**

By unanimous motion the Board approved Amendment #5 to Washington State Office of Secretary of State Grant, Contract #G-2840-5, under Help America Vote Act for Election equipment and space remodel costs, the amendment in the amount of \$177,950.98 [RM-AUD-07-0669].

**INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH CITY OF**  
**LYNNWOOD**

As submitted by Cathy Caryl, Central Services Director, the Board by unanimous motion approved Interlocal Cooperative Purchasing Agreement with City of Lynnwood [RM-CS-07-0031].

**AGREEMENT WITH NORTHWEST STRAITS MARINE CONSERVATION**  
**FOUNDATION FOR COSTS INCURRED MARKETING THE REGIONAL WSU**  
**BEACH WATCHERS PROGRAM**

By unanimous motion the Board approved Agreement with Northwest Straits Marine Conservation Foundation for costs incurred marketing the regional WSU Beach Watchers Program, in the amount of \$3,271.00 [RM-WSU-07-0048].

**RESOLUTION #C-53-07 TRANSFERRING TAX TITLE PROPERTY TO ISLAND**  
**COUNTY RIGHT OF WAY (BRAINERS ROAD)**

The Board by unanimous motion approved Resolution #C-53-07 In the matter of Transferring Tax Title Property to Island County Right of Way (Brainers Road). [Resolution on file with the Clerk of the Board]

**INTERAGENCY AGREEMENT WITH SNOHOMISH COUNTY - U.S. DEPARTMENT OF**  
**HOMELAND SECURITY LETPP FUNDS TO PROVIDE LAW ENFORCEMENT WITH**  
**ENHANCED CAPABILITIES FOR PREVENTING ACTS OF TERRORISM**

Interagency Agreement with Snohomish County for U.S. Department of Homeland Security LETPP funds to provide law enforcement with enhanced capabilities for preventing acts of terrorism, Contract # WSP C070728FED, in the amount of \$126,176.00 [RM-DEM-07-0051] was approved by unanimous motion of the Board. Dave Hollett, Emergency Management, confirmed that proposed expenditures would come to the Board prior to any purchases being made.

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**GRANT AGREEMENT WITH NATIONAL ASSOCIATION OF COUNTY AND CITY**  
**HEALTH OFFICIALS TO PROVIDE FUNDING TO MEDICAL RESERVE CORPS**  
**UNITS**

By unanimous motion the Board approved Grant Agreement Contract #MRC07112 with the National Association of County and City Health Officials to provide funding support to Medical Reserve Corps units in the amount \$10,000.00 [RM-DEM-07-0064].

**CLAIM FOR DAMAGES #R07-014 CD, STATE FARM INSURANCE**

As recommended by Betty Kemp, Director GSA/Risk Management, in her May 7<sup>th</sup> memorandum, the Board by unanimous motion approved Claim for Damages #R07-014 CD by State Farm Insurance in the amount of \$1340.14.

**HEALTH DEPARTMENT CONTRACTS**

A recommendation of approval having been provided by Tim L. McDonald, Health Services Director, in Memorandum dated May 2, 2007, the Board by unanimous motion approved the following Health Department contracts:

Monitoring Well Easement with Donald and Patricia Heitmann to provide Island County with an easement for a monitoring well, with no dollar contract amount associated with the document [RM-HLTH-07-0047]

Memorandum of Understanding with Church of Jesus Christ of Latter Day Saints, Oak Harbor, for emergency use of their facility in the event of a public health emergency, with no dollar contract amount associated with the MOU [RM-HLTH-07-0060].

**AGREEMENT FOR PROFESSIONAL SERVICES WITH PAUL DOUHAN, MSW FOR**  
**EVALUATION OF JUVENILE & FAMILY COURT CLIENTS**

By unanimous motion, the Board approved Agreement for Professional Services with Paul Douhan, MSW, for evaluation of Juvenile & Family Court clients, in an amount not to exceed \$10,000.00 [RM-JUV-07-0050].

**CONTRACT WITH HABITAT FOR HUMANITY OF ISLAND COUNTY TO ACQUIRE 10**  
**BUILDING LOTS FOR THE CONSTRUCTION OF TEN HOMES TO HOUSEHOLDS**  
**WITH AN INCOME AT OR BELOW 50% OF THE AREA MEDIAN INCOME**

The Board by unanimous motion approved a Contract between Island County and Habitat for Humanity of Island County to acquire 10 building lots for the construction of ten homes to households with an income at or below 50% of the area median income, contract amount up to \$400,000.00 [RM-BD-07-0055].

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**AMENDMENT #2 WITH HOUSING AUTHORITY OF ISLAND COUNTY FOR**  
**OPERATION AND MAINTENANCE FUNDS FOR MARJIE'S HOUSE**

Amendment #2 to the Contract with the Housing Authority of Island County for operation and maintenance funds for Marjie's House, an emergency shelter for women and children, in the amount of \$24,000.00 was approved by unanimous motion of the Board [RM-BOCC-04-0111(2)].

**HEARING HELD: ORDINANCE #C-45-07/R-18-07 REGULATING SPEED LIMIT ON**  
**EAST HARBOR ROAD IN SECTION 14, TOWNSHIP 30 NORTH, RANGE 2 EAST, W.M.**

At 10:15 a.m. as scheduled and advertised, a public hearing was held for the purpose of considering Ordinance #C-45-07/R-18-07 In the Matter of Regulating Speed Limit on East Harbor Road in Section 14, Township 30 North, Range 2 East, W.M.

Bill Oakes, Public Works Director, provided opening comments and summarized the request for reduced speed limit:

An engineering and traffic investigation revealed that the portion of East Harbor Road lying within the Plat of Baby Island Heights is posted at 25 mph, and the portion of East Harbor Road lying south of Baby Island Heights and outside the plat is posted at 35 mph. The recommendation is a 25 mph speed limit from Saratoga Road southerly to the southern edge of the Plat of Baby Island Heights [highlighted in pink on the attached map].

At the time of hearing when the Chairman called for comments from members of the public, no one came forward either commenting for or against the proposed Ordinance.

By unanimous motion the Board adopted Ordinance #C-45-07/R-18-07 Regulating Speed Limit on East Harbor Road as shown in attached exhibit "A" Amending Island County Code Title X, Chapter 10.01. [Ordinance #C-45-07/R-18-07 on file with the Clerk of the Board]

**HEARING HELD: CONSIDERATION OF FRANCHISE #144 (PW-0620-109) BETWEEN**  
**ISLAND COUNTY AND TR CAMANO, INC. FOR A SEWAGE TRANSPORT SYSTEM**  
**TO BE LOCATED IN NORTH CAMANO DRIVE, CAMANO ISLAND**

Immediately following the hearing on Ordinance #C-45-07/R-18-07, Chairman Shelton opened a public hearing, continued from the April 2, 2007 Board meeting, the consideration of Franchise #144 (PW-0620-109) between Island County and TR Camano, Inc. for a sewage transport system to be located in North Camano Drive, Camano Island, Sections 19/20, Twp 30N., R 3E, to set a public hearing date and time to be held on Camano Island. The Board on April 2<sup>nd</sup> continued the public hearing to this date and time to consider scheduling a public hearing date and time on Camano Island.

As noted by Mr. Oakes, the Board required that TR Camano obtain all necessary permits for the disposal site prior to issuance of a franchise. Late last week Mr. Oakes sent an e-mail advising the Board that he would be recommending another continuation until June 11 to resolve permitting issues (clearing & grading permit, and SEPA).

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Jeff Tate, Assistant Planning Director, advised that many of the clearing and grading permit issues had been resolved. As far as issues relating to SEPA questions, late last week Mr. Tate received information from the applicant and did not think it would take longer than two weeks to review that information. The date of May 22<sup>nd</sup> for a Camano hearing was proposed.

David Platter, Applicant, was present to take part in the hearing via video conferencing with Camano Annex, asked that the continued hearing simply be held in Coupeville given the fact that prior hearings with public input taken had already been accomplished. However, he did indicate he had no problem with holding a hearing on Camano Island on May 22<sup>nd</sup>.

By unanimous motion, the Board continued the public hearing on consideration of Franchise #144 (PW-0620-109) between Island County and TR Camano, Inc. for a sewage transport system to be located in

North Camano Drive, Camano Island, Sections 19/20, Twp 30N., R 3E, to May 22, 2007 at 6:00 p.m. at a location on Camano Island to be announced.

Roy Lescher, Camano Island, posed a suggestion on behalf of CARE (Camano Action for Rural Environment) that the Board may wish to discuss the type and content of the public hearing and determine internally whether or not the Board will open the next hearing to all types of comments or just brief summaries, etc.

Commissioner McDowell believed that public comments it would seem should be limited to the new information the County had been waiting to receive.

**RESOLUTION #C-54-07/R-21-07 – DECLARING COUNTY PROPERTY SURPLUS FOR AN EASEMENT**

As presented by Mr. Oakes, Resolution #C-54-07/R-21-07 In the Matter of Declaring County Property Surplus for an Easement on Parcel R22904-235-3250, was approved by unanimous motion of the Board [*Resolution #C-54-07/R-21-07 on file with the Clerk of the Board*].

**LOCAL AGENCY PROJECT PROSPECTUS – WASHINGTON STATE DEPARTMENT OF TRANSPORTATION - GEODETIC CONTROL & AERIAL ORTHOIMAGERY PROJECT**

As presented by Mr. Oakes, the Board by unanimous motion approved Local Agency Project Prospectus with the Washington State Department of Transportation, for Island County Geodetic Control & Aerial Orthoimagery Project in the amount of \$310,000.00 (County/\$75,000, Federal Funds/\$235,000). [*local agency project #PW-0720-22*].

**LOCAL AGENCY AGREEMENT - WASHINGTON STATE DEPARTMENT OF TRANSPORTATION - GEODETIC CONTROL & AERIAL ORTHOIMAGERY PROJECT**

As presented by Mr. Oakes, the Board by unanimous motion approved Local Agency Agreement with the Washington State Department of Transportation, for the Island County Geodetic Control & Aerial Orthoimagery Project in the amount of \$310,000.00 (County/\$75,000, Federal Funds/\$235,000) [*local agency project #PW-0720-22*].

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**RESOLUTION #C-55-07/SW-03-07 – AUTHORIZING INSTALLATION OF SOLID WASTE COMPACTOR WITHOUT COMPETITIVE BIDDING**

As presented by Mr. Oakes, the Board by unanimous motion approved Resolution #C-55-07/SW-03-07 In the Matter of Authorizing Recycle Systems, LLC (“RSI”) to supply and install a used Harris AMFAB TP-150 Solid Waste Compactor at the Coupeville Solid Waste Facility without competitive bidding  
*[Resolution #C-55-07/SW-03-07]*

**PURCHASE ORDER APPROVED - RECYCLE SYSTEMS, LLC - USED HARRIS-AMFAB TP-150 SOLID WASTE COMPACTOR**

Following approval of Resolution #C-55-07 the Board by unanimous motion approved Purchase Order # 8210 *[RM-SW-07-0070]* between Island County and Recycle Systems, LLC for a used Harris-AMFAB TP-150 Solid Waste Compactor, in the amount of \$146,205.00 (incl. shipping & SST.).

**ZONING AMENDMENT ZAA 475/05 - HELEN SIMMONS – CHANGE ZONING CLASSIFICATION OF A 9.82 ACRE PARCEL R33014-369-2330 FROM THE RURAL SERVICE ZONE TO THE RURAL VILLAGE ZONE**

Phil Bakke, Planning & Community Development Director, presented for Board action, Zoning Amendment ZAA 475/05 by Helen Simmons, proposing to change the zoning classification of a 9.82 acre parcel R33014-369-2330 from the Rural Service Zone to the Rural Village Zone, on property located on the south end of Camano Island. The Planning Commission held public hearings on this matter pursuant to RCW 36.70A and ICC 16.26. The matter was previously before the Board on February 26, 2007, but pulled awaiting further staff review, and has been a topic of discussion at a Staff Session. The matter has been reviewed with the Board during Staff Session. The Island County Planning & Community Development Department recommends that the Board accept the Planning Commission’s recommendation of denial.

Mr. Bakke entered for today’s record his letter of March 19, 2007 to Don McLean and Helen Simmons after their meeting with Mr. Bakke and Commissioner Dean on March 9, 2007 *[GMA #9305]*. He believed any issues remaining were resolved as a part of that discussion and the subsequent letter.

No members of the public when provided the opportunity by the Chairman, expressed a desire to speak either for or against the action before the Board.

By unanimous motion, the Board accepted the Planning Commission’s recommendation of denial on Zoning Amendment ZAA 475/05 by Helen Simmons.

**FINDINGS AND DECISION DENYING A REQUEST TO AMEND THE ISLAND COUNTY ZONING ATLAS TO RECLASSIFY PARCEL R33228-448-4330 FROM RURAL TO RURAL VILLAGE - ZONING AMENDMENT ZAA #047/06 BY LENZ ENTERPRISES**

Mr. Bakke presented for Board approval Findings and Decision in the matter of denying a request to amend the Island County Zoning Atlas to reclassify Parcel R33228-448-4330 from Rural to Rural Village pertaining to Zoning Amendment ZAA #047/06 by Lenz Enterprises. The application was properly before the Island County Planning Commission as a Comprehensive Plan Amendment under

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Chapter 16.26 ICC and RCW 36.70A. Lenz Enterprises proposed that the County modify the Island County Comprehensive Plan land use map and zoning maps to change the zoning from Rural to Rural Village.

Mr. Bakke recalled that the Board held two properly advertised public hearings on Camano Island to receive input from the applicant and members of the public. The Planning Commission recommended approval of the request, while the Planning & Community Development Department maintained a recommendation of denial through the process. At the last hearing the Board voted on the matter to deny the zoning amendment and overturn the recommendation of the Planning Commission.

Proposed Findings and Decision were reviewed during last week's staff session, and with respect to issues raised by Commissioner McDowell afterwards, Mr. Bakke commented as follows:

1. Water System on the parcel. This parcel was not served by a water system recognized by the Coordinated Water System Plan (CWSP) until added to the Juniper Beach Water Association in 2004.
2. Department of Transportation. The DOT paid for the loss of use and value of the property in conjunction with the road expansion project. DOT did not actually purchase the land where the old restaurant had been at one point, but rather for removal of it and installation of the berm as the additional fill material from the road was placed into that location.

By unanimous motion, the Board approved Findings and Decision in the matter of denying a request to amend the Island County Zoning Atlas to reclassify Parcel R33228-448-4330 from Rural to Rural Village pertaining to Zoning Amendment ZAA #047/06 by Lenz Enterprises. *[GMA #9306]*

There being no further business to come before the Board at this time, the meeting adjourned at 10:42 a.m. The next regular meeting of the Board will be on May 14, 2007 beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
Mike Shelton, Chairman

\_\_\_\_\_  
Wm. L. McDowell, Member

\_\_\_\_\_  
John Dean, Member

ATTEST:

\_\_\_\_\_  
Elaine Marlow, Clerk of the Board