

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
MAY 19, 2008 – REGULAR SESSION**

The Board of Island County Commissioners met in Regular Session on May 19, 2008 beginning at 10:00 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6<sup>th</sup> Street, Coupeville, Washington. John Dean, Chairman, Phillip Bakke, Member, and William L. McDowell, Member were present. The meeting began with the Pledge of Allegiance.

**MONTHLY FINANCIAL REPORTS**

***Auditor***

Anne LaCour, Chief Deputy Auditor, submitted the Auditor’s written financial report for the period ending April 30, 2008. Revenues overall are at 32%, down from last year, and something to keep an eye on.

***Treasurer***

Linda Riffe submitted the Treasurer’s written financial report for the period ending April 30, 2008 adding the following comments:

- *Emergency Management:* Grant monies not received to date.
- *General Services Admin:* Rental of the Camano multi-purpose room is down.
- *Property Tax Prior Years:* Auditor’s office reversed entries and posted into 2007.
- *Property Taxes Penalties:* Auditor’s office reversed entries and posted into 2007.
- *Service Fees:* 21% and down a bit; partly due to lesser number of requested copies of Real Estate Excise Tax Affidavits.

**CONSENT AGENDA**

By unanimous motion the Board approved the Consent Agenda as follows:

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

Vouchers (War) #s 287571-287948.....	\$998,365.83
Electronic Fund Transfers.....	\$ 21,631.29
Payroll dated .....	May 15, 2008

**MINUTES OF PREVIOUS MEETINGS**

Regular Sessions..... April 28, May 5, and May 12, 2008

**STAFF SESSION AGENDA FOR JUNE**

Regular Session .....	June 4, 2008
Special Session .....	June 11, 2008

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**VETERANS ASSISTANCE FUND**

Claim #V8-3 in the amount of \$1,378.23 and Claim #V8-4 in the amount of \$641.97 approved as recommended by the Veterans Assistance Review Committee [*emergency financial assistance to eligible veterans; names and specific circumstances are confidential*].

**APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES**

**Island County Board of Equalization**

Re-appointment of James K. Johnston to the Island County Board of Equalization for a three year term to expire on May 31, 2011.

**Substance Abuse Services Advisory Board**

Re-appointment of Kathy Habel to the Substance Abuse Services Advisory Board for a three year term to expire on April 1, 2011.

**Island County Planning Commission**

Appointment of Teresa (Terry) Reynolds to Island County Planning Commission representing Commissioner District #2 for a term to expire January 2, 2011.

**CENTRAL SERVICES**

Purchase Order No. 7662 Dell Marketing LP for computer equipment related to installation of Financial/HR system. Amount: \$40,333.97 (RM-CS-08-080)

**ENHANCED 911**

Amendment A to Interlocal Agreement with Washington State Military Department providing State Enhanced 911 funds for County FY08 Wireline and Wireless Operations at ICOM. Contract No. E08-014; Amendment Amount: Decrease of \$3,596 (RM-BOCC-07-0152(A))

Amendment A to Interlocal Agreement with ICOM for Washington State Enhanced 911 FY08 Wireless and Wireline Funds. Contract No E08-014; Amendment Amount: Decrease of \$3,596 (RM-BOCC-07-0108(A))

**HUMAN RESOURCES**

**Personnel Action Authorizations**

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Health	089/08	Administrative Supervisor Environmental Health	2416.00	Personnel Action Reclassification	05/19/08
	090/08	Environmental Health Director	2402.00	Replacement Position	05/19/08

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<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
	091/08	Intern	2470.00	New Position	06/02/08
Planning & Community Development	092/08	Planning Intern	1600.03	Personnel Action (extend end date 6/02/08)	05/16/08
Public Works	088/08	Laborer I Bayview	2245.06	Replacement Position (Chris Currier)	05/19/08
WSU Extension	086/08	Volunteer Program Project Mgr .7 fte	1207.04	Personnel Action (Increase in hours)	05/19/08
	087/08	Beach Watchers Program Coord.	1207.01	Replacement Position (Kristen Cooley)	06/02/08

**PUBLIC WORKS**

County Roads

Resolution C-54-08/R-19-08 In the Matter of Approving Plans and Specifications and Authorizing Call for Bids for 2008 Camano Island Overlays, CRP 08-02, Work Order No. 433. *(Resolution on file with the Clerk of the Board)*

Resolution C-55-08/R-20-08 In the Matter of Approving Plans and Specifications and Authorizing Call for Bids for 2008 Whidbey Island Overlays, CRP 08-03, Work Order No. 432. *(Resolution on file with the Clerk of the Board)*

Purchase Order No. 8290 with Pacific Corrugated Pipe for 2008 Culvert Supplies. Amount: \$7,529.90 (incl. WSST) (Awarded to Pacific Corrugated Pipe, Inc. 5/12/08) *(PW-0820-69)*

RAP Agreement with County Road Administration Board (CRAB) for Rural Arterial Program Project Agreement, Arrowhead Road 1 & 2. Amount: \$1,000,000 (CRAB) *(PW-0820-54)*

RAP Agreement with County Road Administration Board (CRAB) for Rural Arterial Program Project Agreement, Terry's Corner. Amount: \$158,870 (CRAB) *(PW-0820-55)*

Contract and Contract Bond with Callen Construction Company, Inc. for the Ault Field Road/Oak Harbor Road Intersection Improvements. CRP 07-05; Work Order No. 397. Amount: \$609,605.80 *(PW-0820-57)*

Solid Waste

Resolution C-56-08/SW-03-08 In the Matter of Authorizing Solid Waste Systems, Inc. to Supply and Install a Refurbished Compactor at the Oak Harbor Transfer Station without Competitive Bidding. *(Resolution on file with the Clerk of the Board)*

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Purchase Order No. 8235 with Solid Waste Systems, Inc. for RJ-88HT/16 Marathon Self Contained Compactor with Hydraulic Tailgate. Amount: \$10,840 (incl. WSST). (RM-SW-08-085)

Trails

Amendment No. 1 to Trail Lease with Washington State Department of Transportation. Revision to leased premises, renewal, use of leased premises, approval of design and construction, and insurance. (PW-0820-52)

**LIQUOR LICENSES**

Correction to Assumption of Liquor License No. 085937-3C from applicants: “BJSE, LLC” to “BJCI, LLC.”

Application for Special Occasion Liquor License No. 091224 by the Camano Island Yacht Club for a special occasion to be held June 21, 2008 from 5:30 p.m. to 9:00 p.m. at the Camano Island Yacht Club, 129 N. Sunset Dr., Camano Island, WA.

Letter Request for 20-day Extension for Approval of New Application for Liquor License No. 087833-3F by Applicants RC4K, LLC, Christine M. Kellison and Roy L. Kellison, Tradename: White Cap Café, 12981 State Route 20, Coupeville, WA.

**REGULAR AGENDA**

**PLANNING AND COMMUNITY DEVELOPMENT**

**OPS 397/07 – Kristoferson Farm, LLC – Revised Legal Description**

On March 3, 2008 the Board approved OPS 397/07 Kristoferson Farm, LLC; however, it was discovered thereafter that the legal description of the property proposed for the Open Timber program was incorrect. Jeff Tate, Director of Planning and Community Development, said the legal description was not specific enough so the landowner provided an updated legal description. Having in place the updated legal description allows the document to now be recorded.

By unanimous motion the Board authorized revision of the legal description relating to OPS 397/07 as presented.

**PRD 473/06 – David Thomas and TMCK Camano LLC – Signature of Final Long Plat Application**

Mr. Tate explained that applicant’s request is for an 11-lot PRD on 30 acres located on Camano Island at 798 Arrowhead Road. The Hearing Examiner approved preliminary approval; the applicant turned in its final application, a Type I decision; Health, Public Works, and Planning, along with all other applicable agencies, reviewed the application for conformance with code and there is no objection to approval. Planning requests signature of the Board on the final mylar.

By unanimous motion the Board approved signature of the Final Long Plat Application for PRD 473/06 by applicant David Thomas & TMCK Camano LLC.

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**Ordinance C-57-08 (PLG-007-08) In the Matter of Adopting an Interim Official Control that Regulates the Use of Property within the Freeland Non-Municipal Urban Growth Area**

Mr. Tate indicated Planning and Community Development's request that the Board consider and approve Ordinance C-57-08 (PLG-007-08) In the Matter of Adopting an Interim Official Control that Regulates the Use of Property within the Freeland Non-Municipal Urban Growth Area. He began the discussion by providing some background.

On December 10, 2007 the Board approved the designation of Freeland as a Non-Municipal Urban Growth Area and adopted the Freeland Sub-Area Plan; on February 11, 2008 the Board approved the Findings of Fact. The Findings speak to what the next steps are in terms of Non-Municipal Urban Growth Area Designation; the follow-on steps, implementation or development of code regulations; the creation of transportation plans, capital facility plans, and other plans that support the land use element the Board adopted. There is focus in the Findings about what to do with future uses in Freeland. The uses that are spelled out in the land use categories that are established in the Freeland Sub-Area Plan allow for an intensification of land use. Mr. Tate said there was much focus placed on what words to use in the interim transition period about the intensification of land use, to not send the message to people that just because the Sub-Area Plan was adopted that intensity or density increased. He said Commissioner Bakke approached Planning and asked what to do in the opposite direction; that is, the allowed uses in the current zoning designations and whether those uses are consistent with the new land use designations established in the Freeland Sub-Area Plan.

Staff reviewed the three current zoning designations that exist within Freeland. To orient the Board to the ordinance Mr. Tate explained that Exhibit A focuses on the Rural zoning category; Exhibit B on the Rural Residential zoning category; and Exhibit C on Rural Center. Exhibit D is also a reiteration of the Findings of Fact that were adopted and which established a schedule for future steps. For each zoning designation staff looked at the land use categories established in the Freeland Sub-Area Plan and reviewed the list of existing uses that are permitted or conditionally permitted in that zoning designation; uses permitted under today's zoning categories were compared to the Freeland Sub-Area Plan and the different land use designations. There are 11 different land use designations within the Freeland Sub-Area Plan so the task involved looking through the language within the Sub-Area Plan, one category at a time, and comparing that to the existing zoning. Mr. Tate considered that a challenging task for staff because the Freeland Sub-Area Plan is a policy document so it establishes goals, policies, and objectives for each of the land use categories but it does not go to the level of depth that a zoning ordinance or a development regulation does in that it does not call out very specific land uses, it is more general in nature. The zoning ordinance takes it to a finer level of detail so it is comparing the very specific uses of the zoning ordinance with the very general uses of the Sub-Area Plan. Staff has gone through the exercise of what they believe are consistent uses and those uses that are not consistent.

Mr. Tate said the ordinance before the Board is an interim official control, or an emergency ordinance, and it would take effect immediately upon adoption. Under RCW 36.78.390 local jurisdictions have the ability to implement interim official controls without first holding a public hearing. The Board is required, however, within 60 days of the date of action, to hold a public hearing. The suggested date for the public hearing is June 9, 2008 in Freeland. This would allow assurance that the County is addressing concerns of the community in making sure the County is not permitting activities within Freeland that are going to become non-conforming uses later on.

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Mr. Tate reiterated that the action today is under the umbrella of an “emergency” ordinance. The next action, on June 9 at the public hearing, would be putting it under the umbrella of an “interim ordinance” until there are permanent development regulations in place for Freeland. Mr. Tate anticipates that as the proceeding is advertised and there is interest in looking at the ordinance, the community will review the work of staff and their suggestions as to where a “yes” and “no” are placed in the matrices in the exhibits to the ordinance. The Board will hear public testimony at the public hearing that may question the why or perhaps advancing a different opinion about whether something should be a “no” instead of a “yes” or the other way around. The Board will have the ability then, at that time, to continue and make changes based on public testimony if it chooses. Staff requests, in anticipation of that dialogue, that there not be a rush to the counter of different applications to get in before the Board has the chance to have the debate and the dialogue with the community.

Commissioner Bakke suspects there will be a fair amount of dialogue about staff’s recommendations and he would be curious, especially from the citizen architects of the Plan, to see where they are coming from. He would be open to taking another look at those if need be.

Mr. Tate commented there is some subjectivity in evaluating whether uses should or should not be allowed so he also believes there will be other opinions as well.

Chairman Dean asked if Mr. Tate believes the emergency ordinance comes close to matching what the intent of the Freeland Plan was to which Mr. Tate responded yes, absolutely.

Commissioner McDowell asked if the ordinance would give staff enough information to continue to function between now and June 9. Mr. Tate said it would.

Commissioner McDowell moved that the Board approve the adoption of Ordinance C-57-08 (PLG-007-08) In the Matter of Adopting an Interim Official Control that Regulates the Use of Property within the Freeland Non-Municipal Urban Growth Area (*GMA No. 9827*) and schedule a public hearing on such ordinance for June 9, 2008 at 6:00 p.m., Freeland Trinity Lutheran Church, Freeland, seconded by Commissioner Bakke with comment.

Commissioner Bakke asked the duration of the interim control.

Mr. Tate referred the Board to page 2 of the ordinance, the last *BE IT FURTHER ORDAINED* clause that states 12 months. Staff looked at what the statute allows and talked to the Prosecutor’s office; the Board has the ability to renew it but 12 months is the maximum it can go into effect. The interim control will sunset at 12 months if there is no action taken by the Board or, if the Board took action to adopt the regulations it would sunset, whichever occurs first.

Unanimously carried.

**TREASURER**

**Award of Bid – Title Reports for the 2008-2009 Tax Foreclosure**

Treasurer Linda Riffe recommended that the Board accept First American Title Company to conduct the process for the 2008-2009 Tax Foreclosure regardless of the fact that Chicago Title came in as the lowest bidder. First American committed to process all parcels; Chicago Title committed to process only 18 which was the number specified in the invitation for bid. Currently

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there are 44 parcels total but as redemptions are received that number will change. The price differential between the two is fairly small and the Treasurer is concerned about being committed to only 18 parcels because if there were more than 18 parcels when all is said and done, they must then be split between the two companies. Commissioner McDowell is concerned that the recommendation of award is not to the lowest bidder, Chicago Title, and therefore believes a legal opinion is necessary before the Board takes action.

By unanimous motion the Board delayed action on the award of the 2008-2009 Tax Foreclosure Title Report Bid to Wednesday, May 21 at 9:00 a.m. at staff session.

**EXECUTIVE SESSIONS ANNOUNCED**

Chairman Dean announced that the Board would briefly recess then meet at 11:00 a.m. in Executive Session as allowed under RCW 42.30.110(1)(c) to consider the minimum price at which real estate would be offered for sale or lease. The Executive Session would take place in the County Administration Building, Second Floor, Room # 217, 1 N.E. 7<sup>th</sup> Street, Coupeville. The Executive Session was expected to last approximately 30 minutes and no announcement in open public session was expected.

Commissioner McDowell requested that following the conclusion of the aforementioned Executive Session the Board recess until 3:00 p.m. at which time another Executive Session would be held as allowed under RCW 42.30.110(1)(i) to discuss with legal counsel litigation or potential litigation. A public announcement following Executive Session was unknown at the time of the request. By unanimous motion the Board approved recessing the meeting to 3:00 p.m. for an additional Executive Session which will take place in the Board of County Commissioners' Hearing Room (Room # 102B - basement), County Annex Building, 1 N.E. 6<sup>th</sup> Street, Coupeville, expected to last approximately 30 minutes.

At 3:23 p.m. the Board returned to open public session for the purpose of holding an Executive Session as allowed under RCW 42.30.110(1)(i) to discuss with legal counsel litigation or potential litigation. Originally the Board was to return to open public session at 3:00 p.m. but was delayed due to a longer-than-anticipated Board of Health meeting taking place in the Commissioners' Hearing Room. The Executive Session was expected to last about 30 minutes and it was unknown whether a public announcement would be made.

At 3:53 p.m. the Board returned to open public session with no announcement being made.

There being no further business to come before the Board the meeting adjourned at 3:53 p.m. following Executive Session. The Board will meet next in Regular Session on June 2, 2008 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
John Dean, Chairman

ATTEST:

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Elaine Marlow  
Clerk of the Board

\_\_\_\_\_  
Phillip Bakke, Member

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Wm. L. McDowell, Member