

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 25, 2008 – REGULAR SESSION**

The Board of Island County Commissioners convened in Regular Session at 11:00 a.m. on February 25, 2008 for a Roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room, Annex Building, 1 NE 6<sup>th</sup> Street, Coupeville, Washington. Other topics for the Regular Session followed at 2:00 p.m. as shown on the agenda. John Dean, Chairman, Phillip Bakke, Member, and William L. McDowell, Member, were present.

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

**Elected Officials and Appointed Department Heads Attending:**

Phil Bakke	Sharon Franzen	Mac McDowell
Greg Banks	Jackie Henderson	Don Meehan – <i>Absent</i>
Robert Bishop – <i>Absent</i>	Betty Kemp	Mike Merringer
Mark Brown	Larry Larson	Bill Oakes – <i>Absent</i> <i>Randy Brackett in his stead</i>
Cathy Caryl – <i>Absent</i>	Elaine Marlow	Linda Riffe
Sheilah Crider – <i>Absent</i> <i>Anne LaCour in her stead</i>	Dave Mattens	Dan Sherk – <i>Absent</i>
John Dean	Tim McDonald	Jeff Tate - <i>Absent</i>

**Others:**

Vyrle Hill, Washington Counties Risk Pool  
Susan Looker, Washington Counties Risk Pool  
Dave Jamieson, Chief Deputy Prosecuting Attorney  
Diane Kendy

**Presentation**

*Handout provided - Claims Activities*

Vyrle Hill and Susan Looker from the Washington Counties Risk Pool gave a presentation about the Risk Pool and specifically, claims frequency and severity. Of particular interest:

**Risk Pool in general:**

- Risk Pool formed 20 years ago, anniversary in August 2008.
- Risk Pool serves 28 of the 39 counties in the state, 3 of the larger counties (Snohomish, King and Pierce) are all self-funded or carry very high limit retentions on their liability insurance program; remaining 8 counties are served by the Washington Rural Counties Insurance Pool administered by Canfield & Associates located in Ephrata.
- Washington Rural Counties Insurance program differs from the Washington Counties Risk Pool in that it uses a commercial insurance policy and pools the deductible.
- Washington Counties Risk Pool was created and serves member counties directly. Counties have created the coverage document, an extension of the Interlocal Agreement that formed the Risk Pool; the coverage document is sold to the insurance market for re-insurance. Washington Counties Risk Pool is the insurer so in actuality it is a joint self-

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- insurance program and then to protect interests of all members, the document is re-insured annually.
- Risk Pool affords counties the first \$10 million per incident of coverage; \$10 million in excess insurance; also afforded an optional \$5 million excess which Island County has chosen so total coverage per incident is \$25 million subject to deductible and Island County has chosen a \$50,000 level of deductible. All administered through the Risk Pool.
  - Risk Pool has Board of Directors made up of one designee from each of the 28 member counties.
  - 11 person executive committee selected from either directors or alternate directors of the Board of Directors, no more than 1 per county.
  - Mr. Hill serves the Board of Directors through the executive committee.
  - Claims division administered by Ms. Looker.
  - Field oriented services and loss control services available.
  - Premiums based on two exposures; that is, "worker hours" and "licensed vehicles."
  - Counties similar in size to Island County are Chelan, Clallam, Franklin, Grays Harbor, Jefferson, Mason, Okanogan.
  - Island County joined in June 1989, one of the original committees.
  - Roughly 12-1/2 million worker hours to date, roughly 3-1/2% of total exposure for all member counties.

Claims Frequency and Severity

- Frequency = the number of incidents/claims/events that have occurred in a particular period of time.
- Island County leading the pack at a little over 50-1/2 claims per million worker hours.
- In most recent five years, down to roughly 28-1/4 claims per million worker hours, just below Pool average, so drop significant.
- Frequency life-to-date for personnel related claims, in last five years, Island County down to just slightly over a quarter of a claim per million worker hours.
- Severity = the cost of the incidents/claims/events
- Island County, even with large number of incidents per its relationship over 50 claims per million worker hours, its cost is less than \$10,000 per incident.
- In more recent 5 years down to about \$6200 per incident.
- Severity life-to-date for personnel related claims, Island County at about \$95,000; in last five years, up over \$350,000.
- Severity life-to-date for law enforcement related claims, Island County under \$14,000.
- Major emphasis on management/supervisors training.
- Urge continued use of pre-defense/pre-investigation program.
- If matter not yet developed into a claim, contact Betty Kemp to see if qualifies for pre-defense review.

Mr. Hill then answered questions from the assembly:

- Usually with a higher deductible counties attempt to defend more of its claims in-house; in-house services not included in mentioned figures because they are not borne by the Pool.
- Nature of personnel claims = any employment related action.
- Attorneys' fees part of dollar value per incident; rates are negotiated.

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- Training opportunities = Management/Supervisors training hosted by Skagit and Jefferson Counties and available to those interested.

Conclusion:

- 8 claims pending to date.

*Roundtable adjourned at 11:30 a.m. The next Roundtable is scheduled for March 24, 2008 at 11:00 a.m.*

Chairman Dean announced that the Board would immediately convene into Executive Session following Roundtable, remaining in the Commissioners' Hearing Room for such session, as allowed under RCW 42.30.110 (1)(i) to discuss with legal counsel potential/pending litigation. He expected the Executive Session to last approximately 30 minutes and did not anticipate an announcement in open public session following Executive Session.

Executive Session concluded at 12:00 p.m.

The Board of Island County Commissioners (including Diking Improvement District #4) met at 2:00 p.m. to consider items contained on the agenda. The meeting opened with the Pledge of Allegiance.

### **MONTHLY FINANCIAL REPORTS**

#### **Auditor**

Anne LaCour submitted the Auditor's written revenue and expenditure reports for the period ending January 31, 2008, indicating the number is at 8% thus far. Did not receive allocated budget transfers in January; therefore, February will reflect two months.

#### **Treasurer**

Linda Riffe submitted the Treasurer's written financial report for the period ending January 31, 2008 adding the following comments:

- Assessor: Percentage is up due to the number of maps/copies being purchased;
- Criminal Justice: Revenue increase due to receipt of State monies;
- Superior Court: Received reimbursement from San Juan County in the amount of \$30,480;
- Excise Taxes: Payments are made quarterly;
- Franchise Tax: Revenue is a once-a-year payment. Full amount received for 2008;
- Allocated Transfers In and Out: Figures were not provided until after books were closed. January figures will be reflected in the February end-of-month report.

### **CONSENT AGENDA**

By unanimous motion the Board approved the following items [1-29] of the Consent Agenda and items [33-34] of the Chairman's Agenda as follows:

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

Vouchers (War) #s 281672-282085 .....	\$539,201.78
Electronic Fund Transfers.....	\$233,343.95
Payroll dated.....	February 15, 2008

**MINUTES OF PREVIOUS MEETINGS**

Special Sessions .....	January 23, 30, February 1, 2, 4, 5, 2008
Regular Sessions.....	January 28 and February 4, 2008

**STAFF SESSIONS**

Regular staff sessions scheduled March 5 and March 19, 2008.

**APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARD AND COMMITTEES**

**Marine Resources Committee for Island County (MRC)**

Lynae Slinden appointed to serve as a member of the Island County Marine Resources Committee representing the Port of South Whidbey. Term will expire December 31, 2011.

**Island County Civil Service Commission**

Gene Parmelee reappointed to serve another term as a member on the Island County Civil Service Commission. Term shall run for six years, expiring February 1, 2014.

**Veteran’s Assistance Review Committee (VARC)**

James K. Johnston is reappointed to serve another term as a member on the Veteran’s Assistance Review Committee (VARC) representing North Whidbey. Term shall run for two years, expiring January 14, 2010.

**EXTENSION SERVICES**

Memorandum of Agreement, Appendix A, with Washington State University Extension to provide an Extension Education Program. Contract Amount: \$71,250 (RM-EXT-08-033)

Amendment No. 4 to Subaward Agreement with Washington State University to support WSU Beach Watchers program. Subaward No. G001785; Amendment Amount: \$5,000 (RM-EXT-08-024)

Amendment No. 1 to Grant Agreement with Washington State Department of Ecology, Northwest Straits Commission adding funds for existing Cornet Bay Nearshore Restoration project. Grant No.: G0800002; Amendment Amount: \$44,000 (RM-EXT-08-034)

**GENERAL SERVICES**

Department of Emergency Management

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Purchase Order # 8851 with Motorola c/o Day Wireless for purchase of Motorola H40QDD9PW5BN Portable UHF XTS2500 Radios for Sheriff Department, Funding from LETPP and Homeland Security Grant. Amount: \$70,930.70, including freight and tax.

**HUMAN RESOURCES**

Hiring Requests & Personnel Actions

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Health	039/08	Dept. Assistant Camano, .73 FTE	2423.03	Replacement Position	02/25/08
Human Services	040/08	Accounting Coordinator	2408.13	New Position	02/25/08
Public Works	041/08	Solid Waste Accounting Coordinator	2204.00	Replacement Position	02/25/08
Prosecuting Attorney	042/08	Assistant Office Manager – Planning	1706.00	Personnel Action – Overtime Hours	02/13/08

**LEOFF DISABILITY BOARD**

Amendment No. 1 to Agreement Concerning Medical Services for LEOFF Plan 1 Retiree Ronald L. Edwards

**LIQUOR LICENSES**

New application for Liquor License No. 402872-3D by the Etran Corporation, Chung Chi Tran and Cathy Trinh, Tradename: Basil Café, 5603 Bayview Rd., Ste. B, Langley, WA

Application for Special Occasion Liquor License No. 091239 by the Coupeville Lions Club for a special occasion to be held April 19, 2008 from 4:00 p.m. to 10:00 p.m. at the Crockett Barn. 1056 Crockett Farm Rd., Coupeville, WA

**LOW INCOME HOUSING**

Grant Contract with Housing Authority of Island County for Low Income Housing Funds for Glenhaven Condominiums to pay off the loan from Goosefoot Community Fund. Contract Amount: \$80,000 (RM-BUDGET-08-017)

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**PUBLIC HEALTH**

Contract with Washington Vocational Services – Developmental Disabilities/Supported Employment Services. Provides funding for individual supported employment program in Island County. Contract No. HS-21-07; Contract Amount: \$114,684 (*RM-HLTH-07-0127*)

Contract with Mary Jane Lungren, DDS – Oral Health Services. Continues funding for 2008 oral health services consultation. Contract No. HD-39-07; Contract Amount: \$18,000 (*RM-HLTH-02-0067*)

Amendment No. 1 to Contract with Compass Health – Substance Abuse Treatment and Crisis Services. Amendment to contract to redistribute program funding allocations for Year 1 and Year 2. Contract No. HS-01-07; Contract Amount: \$918,677; Amendment Amount: \$82,865 (*RM-HLTH-07-0109*)

Contract with Jane Klassen, M.S.W. – Mental Health/Millage Special Project. Funding for professional services for outreach, preparation time and support group sessions for Island County seniors. Contract No. HS-01-08; Contract Amount: \$3,500 (*RM-HLTH-08-013*)

Contract with Compass Health – MSS/ICM Behavioral Health Specialist. Funds a mental health practitioner to provide the mental health component of the MSS/ICM program. Contract No. HD-42-07; Contract Amount: \$15,000 (*RM-HLTH-02-0073*)

**PUBLIC WORKS**

County Roads:

Resolution C-13-08/R-02-08 in the Matter of the Adoption of the April 2007 Local Agency Guidelines, Appendix 25.142 (Real Property Acquisition & Right-of-Way Procedures) (*Resolution on file with the Clerk of the Board*)

Agreement with Admirals Cover Water District, Local Agency Reimbursable Work Agreement. (*PW-0820-03*)

Purchase Order No. 8280 with Columbia Ford for the purchase of 2008 Ford Ranger XL Pickup. State Contract #04606; Amount: \$15,621.12, including sales tax (*PW-0820-23*)

Paths & Trails:

Supplemental Agreement No. 1 to Contract with INCA Engineers, Inc. for a time extension. Completion date revised to July 1, 2008. (*PW-0720-67(A)*)

Resolution C-14-08/R-03-08 in the Matter of Initiating Public Works Project PWP 08-01. Work Order No. 374; Coupeville Connecting Trail – Segment #2; Amount: \$209,000.00. (*Resolution on file with the Clerk of the Board*)

Local Agency Agreement with Washington State Department of Transportation. Coupeville Connecting Trail – Segment #2; redistribution of funds (no change in total amount) (*PW-0820-17*)

Local Agency Agreement with Washington State Department of Transportation. Island County Bicycle Touring Enhancement; redistribution of funds (no change in total amount) (*PW-0820-21*)

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Drainage:

Agreement with Bloom Property Development, LLC; Block 6, Lot 8, Div. 7, Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E. (PW-0820-10)

Agreement with Bloom Property Development, LLC; Block 4, Lot 1, Div. 6, Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E. (PW-0820-11)

**REGULAR AGENDA**

By unanimous motion the Board approved the following items 30-31 of the Regular Agenda and 35-36 of the Chairman's Agenda:

**CENTRAL SERVICES**

Purchase Order # 7658 with New Horizons Learning Center for Central Services Network Analyst Windows Server 2003 Active Directory Training. Amount: \$2,520.30 including tax

**GENERAL SERVICES**

GSA Emergency Management

Resolution C-15-08 In the Matter of Waiving Competitive Bidding Requirements for the Purchase of Panasonic Toughbook Laptop Computers. (Resolution on file with the Clerk of the Board)

Contract with Feeney Wireless LLC for Panasonic Toughbook laptop computers. Contract Amount: \$33,811.50 (RM-DEM-07-0141)

Property Management

Letter of Intent with Washington State Department of Natural Resources for Island County Trust Land Transfers, the last lands in DNR ownership to be transferred.

**PLANNING & COMMUNITY DEVELOPMENT**

**ORDINANCE C-02-08/PLG-011-07 UPDATING ISLAND COUNTY'S  
COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS RELATING TO  
WETLANDS**

*[Presentation of Planning Commission's Recommendation January 7, 2008 -  
Public Hearing Scheduled on Amendments 1-3]*

*[Public Meeting – Transmittal Amendment 4 – January 14, 2008]*

*[Public Hearing to consider Amendments 1-4 January 28, 2008]*

*[Public Meeting – Transmittal Amendments 5-6 – February 4, 2008]*

Jeff Tate, Planning and Community Development Director, explained that Amendment No. 7 is a supplement to the Findings of Fact to the wetlands ordinance. The Board of Commissioners received the Planning Commissions' recommendation on January 7, it was at that time that the Board moved to conduct a public hearing on January 28 for Amendments 1-3; on January 14 the Board added Amendment 4. When the January 28 public hearing was held the Board accepted Amendments 1-3 and asked staff to return on February 4 during a public meeting to review in more detail Amendment 4, land use intensity, and to evaluate comment letters received. On February 4 the Board agreed to schedule a public hearing for March 17 for the continuation of Amendment 4 and the addition of Amendments 5-6. Amendment 7 is a supplement to the

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already-scheduled public hearing. To reiterate, the public hearing on March 17 will address Amendments 4-6 previously accepted and Amendment 7 if accepted by the Board today.

By unanimous motion the Board approved including Amendment 7 [*adds additional findings of the Board, Exhibit J (Findings), paragraphs 11-25*] [GMA No. 9778] as a possible modification to proposed Ordinance C-02-08/PLG-011-07 Updating Island County's Comprehensive Plan and Development Regulations Relating To Wetlands that will be heard, along with consideration of Amendments 4-6, at the public hearing scheduled on March 17, 2008 at 10:20 a.m.

Concerning Amendment 4, Mr. Tate indicated that at the conclusion of the last public meeting February 4 the Board asked staff to review letters from WEAN, state agencies, and Jeanne Hunsinger and comment. Mr. Tate has prepared a memorandum in response to the suggestions that were offered in those three letters and that memorandum will be transmitted to the Board. The Board has the ability on March 17 to make a decision based on any public or agency input received so there was no need to advance suggested amendments at today's meeting in order to have them on the March 17 agenda. Staff will suggest that the Board consider one amendment offered by state agencies which is to bring the parcel size break for non-residential uses in line with the parcel size breaks that were advised with Amendment 4 for residential uses; a change from 4.5 acres to 4.99. Those should be aligned for non-residential uses as well. Staff is not bringing forward recommendations to further amend Amendment 4 based on the information received. The thresholds, cleared percentages, parcel breaks, and concepts all advanced in Amendment 4 relate back to specific information contained in the County's record.

To explain further, the Planning Commission recommendation has two parcel size categories: parcels that are one to 4.5 acres and parcels above 4.5 acres. Amendment 4 breaks it out into five categories and has a different cut-off point. Mr. Tate remarked that when focusing on the parcel size categories the information was in a chart for residential uses, however, there was text above the chart for non-residential uses that had the break at 4.5 acres. Staff is not advancing an amendment to adjust the non-residential parcel break. What this does, according to Mr. Tate, is bring those breaks in alignment with each other.

**PUBLIC HEARINGS**

**HEARING HELD: RESOLUTION C-126-07/R-48-07 IN THE MATTER OF THE  
PETITION OF RGN CONSTRUCTION, LLC FOR THE VACATION OF A PORTION  
OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS AN UNNAMED ALLEY LOCATED  
IN UTSALADY**

*(Continuation of Hearings from February 5 and 11, 2008 – Public Comment Closed)*

Chairman Dean opened a public hearing on Resolution C-126-07/R-48-07 in the Matter of the Petition of RGN Construction, LLC for the Vacation of a Portion of County Road Right-Of-Way Known as an Unnamed Alley Located in Utsalady, continued from February 5 and 11, 2008.

Randy Brackett, Assistant County Engineer, explained that the continuation of the public hearings allowed discussions between the County and affected property owners namely, petitioner RGN Construction and the only opponent on record, Frederick Beich, whose property is located within the subject Block 2 of the alleyway. In the time since the last hearing Public Works received two communications from Mr. Beich [*letters dated February 4, 2007 [sic] and February 18, 2007 [sic]*]. Mr. Beich owns two lots in Block 2 on the opposite side of the alley and a bit to the north

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and west of petitioners' property. Mr. Beich's concerns appear to remain that he wants some assurance that standard commercial trucks can enter and utilize the alley in any manner necessary; his property is currently undeveloped, essentially a wetland. There are no development applications for the property, only some future intent that Mr. Beich may have for development.

At this time staff is recommending to the Board the vacation of six feet of right-of-way in the alley, adjoining the property constructed on by petitioners, allowing a 10-foot remnant right-of-way that would more easily accommodate what would essentially be a driveway. There is a standard 10-foot setback and the Planning Director can administratively, through clear provisions in the Island County Code, reduce the setback by 10%; in this case because it is a small setback it is a small setback reduction, thereby reducing it down to a 9-foot setback. The Final Order of Vacation would describe such vacation as:

The southeasterly 6 feet of the unnamed 16 foot alley located in the Plat of Utsalady from its intersection with Essex Street and continuing westerly for a distance of 122.61 feet +/- . As shown on Block 2 of the 1897 First Plat of Utsalady as a 16 foot alley between D'Jorup and Essex Streets.

Jeff Tate, Planning and Community Development Director, indicated that the Planning Department is not before the Board to offer a particular recommendation but there are relevant points the Board should consider.

The parcels owned by Mr. Beich are entirely encumbered by wetlands with a very small sliver of area that is not covered by a wetland. The north side of the property is bound by Utsalady Road and the south side is the alley, the subject of the request for vacation. Mr. Tate urges the Board not to make a decision based on wetland factors. Whether the property in question is accessed from Utsalady Road or through the alley, there will be some requirement if the landowner ever submits a land use application to alter the wetland. In his opinion, there is no benefit one way or the other from an environmental point of view.

The structure (petitioners) is set back a foot or two from the right-of-way. The setback in the zoning ordinance from that alley is 10 feet. If the Board grants a vacation of right-of-way for six feet so the right-of-way equals 10 feet, it means the structure will still only be located seven to eight feet away from the right-of-way so would not meet the setback as established in the Island County Code. The landowner would need to go through the variance process in order to be granted the setback. As Planning Director, Mr. Tate has administrative authority to grant a 10% setback reduction, one foot.

The reality is the structure is there and the landowner would appreciate some use of the property between the structure and the right-of-way. Patios are not included in the "structure," just the existing building currently in place. Mr. Tate confirmed for Commissioner Bakke that the permit for the structure was properly issued and both the petitioners and the County believed at the time the permit was issued that the road had been vacated.

Mr. Tate would like to invoke a remedy of relief for petitioners because petitioners provided information which the County processed, with everyone believing the information was correct in the file at the time that approval was granted and at the time of the inspection process as petitioners began construction. Mr. Tate confirmed for Commissioner Bakke that there are

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provisions in the Island County Code that allow for relief of standards when such situations occur.

Commissioner Bakke spoke about the alley and how it was established sometime in history. He asked if the origins are known of the original alley and from what parcels it was taken to be created. Messrs. Brackett and Tate referred to a 1897 plat and how the alleyways do not come from of any particular property.

If the entire 16 feet are vacated staff confirmed for Commissioner McDowell that each adjoining property owner would receive one-half. If eight feet are vacated instead, the subject portion is vacated just to the affected property owner who immediately adjoins that right-of-way; in this case, RGN Construction. If the entire 16 feet are vacated the setback is against the property line; if vacate only eight feet the structure will need the setback so it becomes a moot point.

There is no denial of use of property by vacating the right-of-way; the property will not be landlocked. The criteria for vacating by state law involves a determination that the County road is not useful as part of a County road system and that the public will be benefited by its vacation and abandonment. "Useless" is easy to determine from the standpoint that the road is not currently used as a roadway with no history of it being used as a roadway. The vacation would also serve a public benefit by turning untaxed land into taxable land.

Commissioner Bakke wondered why the County would not vacate the entire area, half to each property owner, and if one property owner wants to improve that portion of the property they are within their rights to do so as a private road access.

Commissioner McDowell suggests either vacating 8 feet or all 16 feet. From a roads standpoint he asked whether it makes any difference to vacate the road in its entirety, since only one person indicates they may have an interest, or better to vacate 8 feet? Mr. Tate responded again that from an environmental point of view there is no advantage or disadvantage to going in either direction.

Staff and petitioners Nord approached the Commissioners' bench with highlighted maps for clarification of the area. Discussion ensued about the location of the Nords' property, Mr. Beich's property, the alleyway, the wetland, and property owned by Diking District 7.

Chairman Dean re-opened the public comment period to allow petitioners an opportunity to speak again if they wished.

Dick Nord mentioned petitioners February 12 letter to the Board. He understood the opinion of the County's legal department to be that there are three available options: either a full vacation, a partial vacation, or no vacation. The condominiums were placed 2.5 feet back from the edge of the property line because petitioners believed there to be sufficient setback. He would argue that Mr. Beich has other access; if Mr. Beich wants to improve the alley from the other direction he can do that because there remains access from the south end. The other end of the alley has a wetland, which petitioners are spending a considerable amount of money on at the County's request to improve. He cannot believe that Mr. Beich is concerned about noxious weeds when he has access to his property from two different directions. There is a lot of money invested in this project and petitioners feel what they are asking for is fair. Petitioners hope that at the very least

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the alley will be vacated, at a minimum to 50%, as they need one-half the alleyway in order to get the 10-foot setback.

Commissioner McDowell asked Mr. Nord if he had a preference whether the alley is vacated one-half with 8 feet going to petitioners, or a full 16-feet, of which 8 feet would go to petitioners and 8 feet to the other property owner.

Mr. Nord would rather have it vacated 50/50 because they are improving part of the alley for the Diking District and that would ensure it would not be used for other purposes in the future. The preferred choice is a 16-foot vacation but petitioners could live with 8 feet; though they feel the remaining 8 feet the County would continue to own would lead to complications in the future because the County requested petitioners to conduct an environmental planting scheme as shown on the diagram provided. If 8 feet remain with the County then there is the potential for that footage to be used at a later date for some other purpose.

Rich Nord said he would not personally ever want to take away anyone's right to access their property. Petitioners submitted plans prepared by their engineer, and approved, to restore the wetland and that is still on the process list to do assuming they can proceed.

Again the Board reviewed the maps and diagram.

The public comment portion of the hearing was closed.

Commissioner McDowell moved to vacate the entire 16 foot width, a full vacation, seconded by Commissioner Bakke with comment.

Commissioner Bakke said when the Board asked staff and the Nords to approach the bench with the maps everyone was looking at Drawing 1, the Utsalady map that shows the improved, unimproved, and vacated roads in the original first plat of Utsalady. On Commissioner Bakke's map provided by the County's Engineer the parcel numbers were marked on the north side of the alleyway, across from the Nord parcel. Lot 11, the Beich property, has access from Utsalady Road on the north and even with the approved vacation there will continue to be access from the alleyway from the west because the lots are off-set; Lot 11 still has frontage. He supports vacating the entire road because by vacating it, the County is eliminating the possibility that in the future a road or an alley is going to be developed that would go through the wetland. He does not believe it is necessary that it remain a through alleyway because as has been done in the past, the County has vacated other portions of the alley in the same Utsalady Plat. He believes by vacating the entire alley and giving one-half to the Nords and one-half back to the Diking District goals are accomplished of benefit to everyone.

Commissioner McDowell remarked that when looking at the maps the obvious access if not trying to impact a wetland would be from the other direction where there is a partially open alleyway; and, certainly the remainder of the alleyway could be opened if requested. There has been no suggestion that that direction be vacated; in fact, there were comments to the contrary. As far as access to Mr. Beich's property the Commissioner believes he has access. Since the Diking District is working with property owners to allow the existing wetland to be enhanced it would make sense it remain in its hands since it is a willing partner. The benefit to the public is that it goes back on the tax rolls and puts the wetland in private ownership.

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Chairman Dean at this point, especially in light of the fact that the Nords have done wetland work and the project is constructed, as well as there being two access points for Mr. Beich to his property, also supports a full vacation.

By unanimous motion the Board approved a full vacation, 16 feet, of the County road right-of-way in the Plat of Utsalady, Resolution C-126-07/R-48-07 in the Matter of the Petition of RGN Construction, LLC for the Vacation of a Portion of County Road Right-Of-Way Known as an Unnamed Alley Located in Utsalady.

There being no further business to come before the Board the meeting adjourned at 3:10 p.m. The Board will meet next in Regular Session on March 3, 2008 beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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John Dean, Chairman

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Phillip Bakke, Member

\_\_\_\_\_  
William L. McDowell, Member

ATTEST:

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Elaine Marlow, Clerk of the Board