

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
MARCH 3, 2008 – REGULAR SESSION**

The Board of Island County Commissioners met in Regular Session on March 3, 2008 beginning at 10:00 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. John Dean, Chairman, Phillip Bakke, Member, and William L. McDowell, Member were present.

CONSENT AGENDA

By unanimous motion the Board approved the following items [1-17] on the Consent Agenda and item [21] on the Chairman’s Agenda:

ELECTRONIC FUND TRANSFERS, PAYROLL, VOUCHERS, PAYMENT OF BILLS

Vouchers (War) #s 282202-282508	\$327,545.58
Electronic Fund Transfers.....	\$ 1,956.56
Payroll dated.....	February 29, 2008

MINUTES OF PREVIOUS MEETINGS

Special Session	February 5, 2008
Regular Session.....	February 11, 2008

MISCELLANEOUS

Letter to Pacific Northwest Trail Association in support of adding the Pacific Northwest Trail to the National Scenic Trail System.

APPOINTMENTS AND/OR REAPPOINTMENTS TO BOARDS AND COMMITTEES

Workforce Development Council – Education/K-12

Reappointment of Cynthia Shelton to serve on the Workforce Development Council, representing the K-12 Education sector, for a two year term to expire on July 27, 2009.

Island County Law & Justice Council

Reappointment of Sig Harbak to the Island County Law & Justice Council for a two year term to expire on February 28, 2010.

GENERAL SERVICES ADMINISTRATION

GSA Motorpool

Purchase Order No. 8591 with Columbia Ford for purchase of Sheriff’s vehicle off state contract (2008 Ford Expedition). Amount: \$30,508.92, including freight and tax (RM-GSA-08-005)

Purchase Order No. 8701 with Columbia Ford for purchase of motor pool vehicle off state contract (2008 Ford Escape). Amount: \$18,392.40, including freight and tax (RM-GSA-08-032)

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HUMAN RESOURCES

Memorandum of Understanding between Island County and Island County Sheriff's Guild Criminal Division.

PUBLIC HEALTH

Amendment No. 7 to Contract with Washington State Department of Health – Consolidated Contract. Provides funding and statement of work for 5930 Public Health Funding. Contract No. C14949; Contract Amount: \$1,235,943; Amendment Amount: \$157,897 (RM-HLTH-06-0140)

Contract with Washington State Department of Ecology – Planning Unit Support. Provides funding to facilitate the implementation of the on-site system inspection plan to insure protection of groundwater resources. Contract No. G0800423; Contract Amount: \$30,000 (RM-HLTH-08-035)

PUBLIC WORKS

County Roads

Agreement with Bayview Beach Water District - Local Agency Reimbursable Work Agreement. (PW-0820-04)

Agreement with Freeland Water District - Local Agency Reimbursable Work Agreement. (PW-0820-06)

Agreement with Lagoon Point Water District - Local Agency Reimbursable Work Agreement. (PW-0820-07)

Supplemental Agreement with Perteet, Inc. Completion Date: March, 31, 2009; Maximum Amount Payable \$902,700.00; Change to Scope of Work. (PW-0020-30(F))

Hearing Scheduled - March 24, 2008 - 2:15 p.m. - Franchise #337; Camano Co-op Power & Water for expansion of existing service and consolidating existing water distribution franchises, Secs. 10-14 & 23, Twp 31N, R 2E.

REGULAR AGENDA

By unanimous motion the Board approved the following item [18] on the Regular Agenda and items [22-23] on the Chairman's Agenda:

MISCELLANEOUS

Resolution C-16-08 in the Matter of Certification of the Island County Personal Property Inventory for 2007.

CONSERVATION FUTURES

Certification of Sponsor Match – Ebey's Reserve Farmland Phase 2
Certification of Sponsor Match – Useless Bay East Farmland

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PLANNING AND COMMUNITY DEVELOPMENT

**RESOLUTION C-17-08 IN THE MATTER OF A RESOLUTION DECLARING AN
EMERGENCY AT LIBBEY BEACH**

Jeff Tate, Director of Planning and Community Development, discussed Resolution C-17-08 in the Matter of a Resolution Declaring an Emergency at Libbey Beach.

Libbey Beach is a public park property that includes a parking area, bathrooms, an open area for picnicking and a bulkhead along with beach access. The bulkhead and beach access were destroyed in 2006 as a result of storm events; in recent weeks the situation has worsened with additional sloughing that is occurring with land cracking away from the hillside. While there is a fence to block public access through the open area to the beach, the public continues to go around a dangerous situation. Staff has been in contact with the Department of Ecology and the Department of Fish and Wildlife with the objective of restoring and stabilizing the condition and restoring the public access, a mutually beneficial goal. The emergency exemption permit is ready to issue and Mr. Tate is requesting that the Board approve the resolution so staff can move forward with securing a contractor to do the work as soon as possible.

Bill Oakes, Public Works Director, added that the damage is ongoing and believes the emergency resolution is warranted. He said over the next 24 hours Whidbey is scheduled to have west winds with high tide to 11 feet so it is likely more damage may occur. He recommends approval of the resolution.

Commissioner Bakke commented that he has visited the site on and off for the last four to five years and more frequently recently. Not only is the condition rapidly washing away the area adjacent to the beach access, it is also beginning to work its way around and compromise the extension to the bulkhead that the Board approved to be constructed on a sliver of land that was ultimately sold to the neighboring property owner. That situation, combined with the over-sloughing of the soil and continued access by the public regardless of fencing, prompts the need in the Commissioner's opinion to declare an emergency. He appreciates the efforts of County departments to resolve the problem and looks forward to the re-opening of Libbey Beach.

By unanimous motion the Board approved Resolution C-17-08 in the Matter of a Resolution Declaring an Emergency at Libbey Beach. *(Resolution on file with the Clerk of the Board)*

PUBLIC HEARINGS

**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**

*[Continuation of hearings from August 27, October 1, November 26, 2007 and
January 14, 2008 – Public Comment Closed]*

As scheduled and advertised Chairman Dean opened a public hearing concerning Ordinance C-87-07/PLG-017-07 in the Matter of Amending Chapter 17.02 and 17.03 ICC, the Island County

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Critical Areas and Zoning Ordinances and the Island County Comprehensive Plan to Address Land Use Compatibility Surrounding Naval Air Station Whidbey Island.

Jeff Tate, Planning and Community Development Director, explained that the ordinance amends the Aircraft Accident Potential Zone in order to anticipate the change in aircraft at Naval Station Whidbey Island. The County had initially gone through the process of looking at the effects and changes on rural areas but needed to also consider the portion of the flight pattern that goes through the Oak Harbor Urban Growth Area. The continuations of the hearings have been primarily to allow the County and the City to work together in an attempt to develop a set of standards that would apply in the Oak Harbor Urban Growth Area.

At the last hearing on January 14 staff reported to the Board that the proposed amendment package developed by County staff was being transmitted to City of Oak Harbor staff to evaluate and review for consistency with Oak Harbor's regulations. The City only recently responded so staff is currently absorbing the response. In the response the City raised a couple of concerns with the ordinance with respect to how the regulations might affect some of the development abilities within the Oak Harbor Industrial and the Oak Harbor Planned Industrial Park zoning designations. The written response from City staff is not specific about what those concerns are other than to say there are a couple of uses that would be eliminated from those zoning designations. Examples are machine, welding, or metal working shops from the Industrial designation as well as the elimination of assembly, manufacture, and rebuilding. The County's standard was the Navy's AICUZ study so therefore the proposed amendments were routed through and approved by Navy personnel. City staff will ultimately get more of a formal buy-out from the City Council. While the City Council does not have to approve the County regulations established in the Urban Growth Area there is a process for the City to say that the City is compatible with the regulations through the Interlocal Agreement.

Mr. Tate said that procedurally what staff would like to do is return the ordinance to staff session for further discussion then move forward with City staff on trying to resolve any conflicts. NAS Whidbey personnel, of course, would be included in the discussion.

In answer to questions from the Board Mr. Tate said what is allowed in the Oak Harbor Urban Growth Area, under the County Code, is very similar to what is allowed in the City code; it is not the use under debate, it is the intensity of the use. He recommends the ordinance be continued to March 10, following a meeting with the City, at which time staff will brief the Board.

Mr. Tate believes that the larger concerns of property owners have been addressed. He does not pretend to say, however, that all issues have been addressed because the standards do place some additional restrictions on property in terms of other types of uses such as bed and breakfast, country inns, and conditional uses allowed in that zoning designation. Regardless, staff continues to recommend that those uses not be allowed in the Accident Potential Zone.

The Chairman re-opened public comment.

Rebecca Spraitzar, 37353 State Route 20, Oak Harbor said she and her fellow neighbors are very concerned. She asked if her property is declared a crash zone, and if the Navy crashes a plane, does it mean the Navy is not responsible for damage.

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Commissioner McDowell replied to the question saying the ordinance has nothing to do with any responsibility of the Navy.

Ms. Spraitzer continued by saying that she believes the Navy should purchase any privately-owned property in the clear zone (at the end of the runway) for fair market value since nothing is allowed on the property. In response to confusion as to the clear zone zoning designation in the County, Planner Anthony Boscolo said there is a clear zone as defined by the Navy. Commissioner Bakke asked that staff be prepared to explain further “clear zone” either at staff or on March 10 at the continued hearing.

Commissioner McDowell reiterated that what the Navy does in its analysis has nothing to do with County zoning.

Mr. Tate said that in the County’s zoning ordinance the clear zone is listed as an overlay and will be explained further at staff or on March 10 with a map that shows the effects.

Commissioner McDowell will take the information to Washington D.C. with him with the suggestion that the Navy should consider buying that portion that is a clear zone believing there are funds available for such purchase.

Ms. Spraitzer also commented that people who have less than 10 acres, in APZ 1 and APZ 2, have not been notified of the potential zoning change. She said she has two parcels, one 5.5 acres and one 11 acres; she received notification on the 11, not on the 5.5.

The Chairman closed the public comment portion of the hearing.

By unanimous motion the Board continued the public hearing on 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 to March 10, 2008 at 10:15 a.m.

**HEARING HELD: CONSIDERATION OF AN OPEN SPACE TIMBER
LAND CURRENT USE PROGRAM APPLICATION – OPS 379/07**

As scheduled and advertised, Chairman Dean opened a public hearing for the purpose of considering an Open Space Timber Land Current Use Program Application 379/07 submitted by Kristoferson Farm, LLC. Applicant is requesting that a total of 30.24 acres be transferred from Open Ag tax deferred program to the Open Timber current use program from Parcels R33230-180-0352, R33230-075-0682, R33231-519-0080 and R33231-461-1580 located in the north part of Camano Island, WA.

Mr. Tate said that staff has evaluated the proposal and applicants provided a forest management plan for the property. Historically the greater percentage of the Kristoferson Farm has been used for agriculture but there are portions of the Farm that are more forested in nature than agriculture and there is different ownership within the family as the parcels are passed through inheritance. The landowners want to set up the property so it is a stand-on-its-own piece of property, mostly forested, and allowed to be enrolled in the Open Timber Land Use Current Use Program.

Mr. Tate recommends approval.

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The Chairman opened public comment and there being none, the public comment portion of the hearing was closed.

By unanimous motion the Board authorized conditional approval of OPS 379/07 submitted by Kristoferson Farm, LLC as presented and recommended.

EXECUTIVE SESSION ANNOUNCED

Chairman Dean announced that the Board would briefly recess then meet in Executive Session at 10:45 a.m. as allowed under RCW 42.30.110(1)(g) to review the performance of a public employee. He estimated the session would last approximately 30 minutes and did not expect an announcement afterwards in open public session. The Executive Session was held in the Commissioners' Conference Room # 218 of the County Administration Building, 1 N. E. 7th Street, Coupeville, Washington.

There being no further business to come before the Board the meeting adjourned at 11:15 a.m. following Executive Session. The Board will meet next in Regular Session on March 10, 2008 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Phillip Bakke, Member

William L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board