

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 4, 2008 - SPECIAL AND REGULAR SESSION**

**SPECIAL SESSION**

The Board of Island County Commissioners met on February 4, 2008 in Special Session beginning at 9:00 a.m. in the office of the Planning Director, 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. Chairman Dean announced the purpose of the Special Session was so that the Board could meet in Executive Session as allowed under RCW 42.30.110(1)(i), to discuss with legal counsel litigation or potential litigation. He did not expect an announcement afterwards in open public session and anticipated the session to last approximately 45 minutes.

Executive Session concluded at 9:45 a.m.

The Board of Island County Commissioners met in Regular Session on February 4, 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.

**PUBLIC COMMENTS**

Steve Erickson, Whidbey Environmental Action Network presented the Board with a letter dated February 1, 2008 concerning "Swampbusting." (*GMA No. 9704*)

Pat Stockwell is a resident of Cornet Bay and has questions about the sewer connections at Cornet Bay as a result of the State Parks franchise request. Chairman Dean indicated the Board will accept comments on the subject at the 10:15 a.m. public hearing.

**CONSENT AGENDA**

By unanimous motion the Board approved items 1-13 of the following Consent Agenda with the exception of item 6, *Subaward Amendment No. 4 with Washington State University for funding WSU Beach Watchers through an EPA grant through the University*, pulled from the agenda to be considered at a future date:

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

Vouchers (War) #s 280382-280638.....	\$397,046.33
Electronic Fund Transfers.....	\$ 820.42
Payroll dated.....	January 31, 2008

**MINUTES OF PREVIOUS MEETINGS**

Special Session .....	January 8, 2008
Regular Session.....	January 14, 2008

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 4, 2008 - SPECIAL AND REGULAR SESSION**

**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>
Prosecuting Attorney	028/08	Deputy Prosecuting Attorney	1803.00	Replacement Position	02/04/08
Sheriff	029/08	Deputized Officer	4012.07	Replacement Position	02/19/08

**HEALTH DEPARTMENT**

Contract with Snohomish Health District – Region 3 AIDS Service Network. Provides continued funding for 2008 for the HIV/AIDS program in Island County. Contract No. HD-48-07; Contract Amount: \$50,800 (*RM-HLTH-99-0014*)

Amendment No. 1 to Contract with Service Alternatives – Developmental Disabilities. Continues services for developmental disabilities program for 2007 – 2009 bienniums. Contract No. HS-09-07(1); Contract Amount: \$90,960; Amendment Amount: \$44,052 (*RM-HLTH-07-0117*)

Contract with Christopher Spitters MD – 2008 Medical Service Consultation. Provides professional TB consultation. Contract No. HD-45-07; Contract Amount: \$10,000 (*RM-HLTH-01-0046*)

Contract with WA State DSHS – Cover All Kids Infrastructure. One-time funding for development of infrastructure to establish the “Cover All Children Outreach” program. Contract No. 0863-34790; Contract Amount: \$11,949 (*RM-HLTH-08-018*)

**LIQUOR LICENSE APPLICATIONS**

Special Occasion Liquor License No. 363790 from the Greenbank Farm Management Group for a special occasion to be held on February 16-18, 2008 from 10:00 a.m. to 6:00 p.m. at the Building at Greenbank Farms, 765 Wonn Rd., Greenbank, WA

Assumption of Liquor License No. 400025-6E from Ryan William Kramer, d/b/a Dusty Cellars Winery, to Dusty Lynne Kramer and Ryan William Kramer, d/b/a Dusty Cellars Winery, LLC, 529 Michael Way, Camano Island, WA 98282-8464

**CHAIRMAN’S AGENDA**

Greg Banks, Prosecuting Attorney, informed the Board that a member of his staff is on maternity leave now, earlier than expected. The purpose of PAA 030/08 is to request that the .5 FTE support person be moved to 1.0 FTE for the period of the leave, February 5 until May 2. Mr. Banks was informed there are adequate funds in the budget to cover the change.

By unanimous motion the Board approved PAA 030/08 increasing the position requested from .5 FTE to 1.0 FTE from February 5 to May 2, 2008.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 4, 2008 - SPECIAL AND REGULAR SESSION**

**REGULAR AGENDA**

**RESOLUTION C-05-08 IN THE MATTER OF CANCELLATION OF  
UNCOLLECTIBLE PERSONAL PROPERTY TAXES AS OF FEBRUARY 2008**

Linda Riffe, Treasurer indicated there are 20 personal properties that are delinquent less than four years and are uncollectible. Due diligence has been completed and the Treasurer's office has been unable to collect taxes on those personal properties for the reasons stated on Exhibit A, which she detailed in part.

By unanimous motion the Board approved Resolution C-05-08 in the Matter of Cancellation of Uncollectible Personal Property Taxes as of February 2008

**RESOLUTION C-06-08 IN RE THE CANCELLATION OF PERSONAL PROPERTY  
TAXES FOUR OR MORE YEARS DELINQUENT**

Ms. Riffe then discussed the second Resolution before the Board saying it is for cancellation of personal property taxes four or more year's delinquent involving 35 properties. The first step is obtaining Board approval. Once approved, because the taxes are four or more year's delinquent, the matter will be referred to David Jamieson who will commence legal proceedings. She again detailed reasons for the cancellation of personal property taxes as indicated on Exhibit A to the resolution.

Commissioner McDowell was curious how the tax rolls are corrected. Ms. Riffe said the Assessor's Office is notified and with proper documentation in hand, they work with the owners in taking a look at the property then afterward remove it from the tax rolls. The Treasurer's office is then notified and they follow-up. She explained that because the dog house listed was being used as a storage shed it was assessed taxes. She reiterated that the write-off reasons are pursuant to the Assessor's notes.

By unanimous motion the Board approved Resolution C-06-08 in re the Cancellation of Personal Property Taxes Four or More Years Delinquent.

**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 to consider four amendments January 28, 2008]*

Jeff Tate, Director of Planning and Community Development, spoke of the continuation of discussions from January 28 regarding the wetlands ordinance. The Board accepted the Planning Commission's recommendation on January 7 but scheduled for January 28 four amendments to that recommendation. On January 28 the Board accepted Amendments 1, 2, and 3 but wanted to discuss and think about Amendment 4 (*modifying cleared area percentages used to determine intensity of land use*). The Board directed staff to look into Amendment 4 a bit more based on letters received from the agencies, Jeanne Hunsinger, and WEAN.

Also at the January 28 public hearing there was discussion about a second letter received dated January 25 from the state agencies that included additional thoughts regarding provisions the

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 4, 2008 - SPECIAL AND REGULAR SESSION**

agencies would like the County to reconsider. [GMA No. 9705] Based on that letter, and the discussion that occurred during the January 28 public hearing, the Department has prepared Amendments 5 and 6. (GMA No. 9769)

Mr. Tate said that staff is recommending that with respect to Amendment 4 which has been continued, and new Amendments 5 and 6, a public hearing be held March 17, 2008 to address all three. He then detailed Amendments 5 and 6.

Amendment No. 5 is requested by Community, Trade and Economic Development, Department of Ecology, and Fish and Wildlife to carry forward a provision inadvertently omitted from the ordinance, a prohibition in place since 1998 for the creation of new lots that are comprised of wetlands. Staff is recommending that the Board add that back into the ordinance.

Amendment No. 6 relates to provisions for new agriculture on lands historically used for agriculture; this too is requested by CTED, DOE and DFW. The suggestion is to remove language in the specific use standards of the ordinance which attempts to establish voluntary provisions for new agriculture. The agencies felt there is some ambiguity and that it is not clear as to what is overlapping into new and voluntary and how that relates to Senate Bill 5248, the prohibition to create new regulations on existing and new agriculture. Amendment 6 strikes the provision and there is a draft finding that speaks to the Board's intent to delete the reference but to consider a voluntary program with the Fish and Wildlife update.

By unanimous motion the Board established March 17, 2008 at 10:20 a.m. for a public hearing to consider Amendment 4 (*modifying cleared area percentages used to determine intensity of land use*), Amendment 5 (*replacing provision in 17.02.050.A.4.d.ii inadvertently omitted*), and Amendment 6 (*delete reference to new agriculture on land historically*) to Ordinance C-02-08/PLG-011-07 Updating Island County's Comprehensive Plan And Development Regulations Relating To Wetlands also continued to March 17.

**PUBLIC HEARINGS**

**HEARING HELD: FRANCHISE #281(1) WITH WASHINGTON STATE PARKS AND  
RECREATION COMMISSION**

Chairman Dean opened a public hearing concerning Franchise #281(1) with Washington State Parks and Recreation Commission for an extension to an existing sewer transport line at Cornet Bay Road located in Sections 35 and 36, Township 34 North, Range 1E. [Continued from December 17, 2007]

Bill Oakes, Public Works Director said the Board continued the hearing to allow an opportunity for staff to discuss with Parks its proposal and obtain confirmation on exactly what capacity Parks is providing in its sewer system. Parks provided a letter to Mr. Oakes indicating it included in its plans installing a 3" diameter force main as opposed to a 2" force main in the franchise proposal which will give the potential for future connections of up to 100 "equivalent residential units" (ERUs). Also provided by Parks was an analysis from its engineers to support that which staff has reviewed and concur with. This is in essence, he said, pre-planning for the potential that there may be other users who would want to tap into the sewer transport line. Precursors to the agreement, however, would be formation of a Local Improvement District (LID) and that district would need to make other improvements to the system beyond the scope of what the State is

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 4, 2008 - SPECIAL AND REGULAR SESSION**

proposing. Then there would be the ability to use the line. The State said it is willing to partner with a future sewer district and would also need agreement by the treatment provider which currently is the Navy. Again, with the other precursors in place first, the line could support that future eventuality and he recommends the Board approve the franchise.

Commissioner McDowell indicated he was asked at the last meeting to contact the Navy regarding the ability to use the Navy's sewage lagoon on the Ault Field Base. Unfortunately the Navy's response was no, that it will not extend service other than to State Parks, a State agency. He said the Navy did not want to get into the sewer business for private residences and it was a stretch when it accepted State Parks, basing that agreement on the fact that the Park was in such need for service that the Navy relented and agreed. With that information Commissioner McDowell suggested the County may want to contact State Parks about the size of the line because over sizing a line is as bad as under sizing one for a pressure main. The problem stems from the size of the pump in the pump chamber to re-suspend solids. He said the conversation would have nothing to do with whether there is a franchise but whether it is a good idea to put in a 3" line when the Navy is saying it will not consider using it for private services. Mr. Oakes will talk with the engineers but it is his understanding that they designed the system so they could get enough volume and flow velocity through the 3" line. He will, however, confirm his belief.

Commissioner Bakke would like to see that the line be maintained as large as 3" because one never knows what tomorrow will bring in terms of the operation of the sewer system. Secondly, should the Cornet Bay landowners find a way to establish a LID for sewers it is possible that that line could be utilized with the effluent from those connecting to it and routed to a different location for treatment. Such a possibility would reduce the expense of creating a LID for sewer treatment at Cornet Bay.

The Chairman mentioned that he had a conversation with Linda Lyshall with the Puget Sound Partnership and she has had an eye on this situation over the year and is interested in working with the Governor's office and possibly the Navy. Everyone realizes the importance of protecting Cornet Bay and he believes that the idea of a LID supported by the neighborhood caught the State's attention.

Public Comments

Steve Erickson, Whidbey Environmental Action Network said the Growth Management Act is clear that the only reasons one can have a new sewer line outside of an UGA is to solve an existing health or environmental problem. What he is hearing is over-sizing a sewer line that is being done for an existing problem to potentially allow future development that requires that type of capacity and does not believe it is consistent with the Growth Management Act. He cited a Thurston County case that went to the Washington State Supreme Court wherein the Court upheld the GMA's wording that it must be an existing problem otherwise it cannot be done. Mr. Erickson requests that the line being installed be limited to what is necessary for State Parks.

Chairman Dean said the basis for his support is to solve a problem of what is believed to be failing septic tanks, not to promote development.

Arnie Deckwa, 251 Cornet Bay Road said he was born and raised in Cornet Bay and there are problems. There are residences in Cornet Bay that cannot flush more than twice a day with no other alternative. He believes to drop the line to 2" is ludicrous when there is the opportunity to

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 4, 2008 - SPECIAL AND REGULAR SESSION**

possibly extend in the future. He understands the Navy's position, he has personally called the Governor's office, and the State also understands the situation so there is much support. He said there are other alternatives and agrees with the ideas mentioned. There is no desire to develop Cornet Bay, just a wish to take care of some of the problems that currently exist.

Milton Woods, 200 West Cornet Bay Road said if the line is not sized to look ahead, it will be a mistake. It needs to happen and sooner the better.

Ramon Anderson, 5119 Jefferson Place, Cornet Bay Heights built his home in 1971, has maintained his system, and recalls from the December 17 meeting that Commissioner Bakke said the UGA would preclude any vast development in Cornet Bay which he would be opposed to. But, to have the potential for a possible future connection would take care of particularly the people along the water.

John Aydelotte, Sr. representing two properties at 221 Cornet Bay Road, Marine Services, and Jefferson Place. He said if the State is going to dig up Cornet Bay Road to service the launch ramp then it should not destroy the possibility of future expansion. He suggests that a decision should consider Cornet Bay Road residents and include provisions for future growth in the area because it will inevitably happen. If not done now, cost will increase later.

Pat Stockwell, 5157 Ridgeline asked how many residences are being served now. She believes DNR land and Parks land pretty much surround the area so future growth, if it happens, would be limited.

Commissioner McDowell said the only proposed usage is for State Parks and its restroom. He said the difference between a 2" and 3" line is that it would provide service to existing buildings and homes that may have a problem; it is not for future development.

The Chairman closed the public comment portion of the hearing. He asked the question, "the franchise as written does not include the terms of agreement with State Parks, is there going to be a follow-on management agreement with State Parks?"

Mr. Oakes responded that State Parks' proposal and plans for the franchise are for a 3" line. He does not envision any other needed conditions in the franchise.

Commissioner Bakke said State Parks is funding the project and the line and the Navy has an agreement with State Parks for having the waste disposed at its facility on the base. Therefore, the County's role is specific to whether it will grant State Parks legal authority to work and install a line to facilitate transport of sewage in the County right-of-way on Cornet Bay Road.

Mr. Oakes agreed saying the action before the Board is simply approving the use of the County's right-of-way to install the line.

Commissioner Bakke continued by saying one of the questions that arose at the last hearing, that the Board committed to doing more research on, was how far could the Board of Commissioners push approving a franchise with conditions before overstepping its authority in doing so.

Mr. Oakes replied that he consulted with the Prosecuting Attorney as to whether the County could make a set capacity for the force main transport a condition of the franchise. It was determined

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 4, 2008 - SPECIAL AND REGULAR SESSION**

that the County could not make such a condition of the franchise, however, if State Parks agreed to provide the capacity, a Parks' decision, then that is perfectly allowed.

Commissioner Bakke mentioned a letter that State Parks sent to Mr. Oakes talking about the fact that it was going to install the 3" main. There was an engineer's report at the end of the letter speaking about the excess capacity and the analysis for how many additional homes could be added to that 3" main. Commissioner Bakke's take from the letter was the commitment from State Parks to work as a partner with the community into the future, should there be a LID or further efforts to create some sort of sewer collection for the homeowners. His question to Mr. Oakes was whether he feels it appropriate for the Board to include in its motion, should the Board make one approving the franchise, either first a reference to the letter or second, that that letter be included as a condition of the Board approving the franchise since it is something that State Parks offered to the Board and the County.

Mr. Oakes believes that the letter should be included in the record of the franchise hearing and he thinks there are assurances in place in the permitting process that will ensure that the 3" main is installed. State Parks, in its letter, does state that it is willing to be a ready partner with the community in those plans for future connections as it has been stated to eliminate existing problems in the area with sewage. He suggested that the Board could, when making its motion, reference the letter since it is certainly appropriate. He suggests, however, erring on the side of caution on advice from the Prosecuting Attorney to not add a condition to the franchise.

Commissioner McDowell wondered if the letter needed to be included with the franchise if it was already a part of the franchise record. Mr. Oakes said the record includes the plans and specifications from the State, the franchise application, and the State's letter with an attachment from the engineer with the design calculation.

The Chair accepted a question from the assembly.

Dave Jorgenson, 5122 Jefferson Place, Cornet Bay commented that State Parks will most likely be using the sewer line for more than just the boat ramp because Ben Ure Island is about completely purchased now by State Parks and the plans are to develop that area with cabins. He believes that the Board should be aware that State Parks plans to expand its system in the future and there are other plans at Hoypus Point for a canoe/kayak launching facility.

Chairman Dean said he supports some sort of reference to the State Parks letter. He believes it has come down to a political action in the next couple of years with the Governor's office, State Parks, and the Board of Commissioners to work together on behalf of the Cornet Bay community and support the creation of a LID at some point. There is a need to fix the problem.

By unanimous motion the Board approved Franchise #281(1) with Washington State Parks and Recreation Commission for an extension to an existing sewer transport line at Cornet Bay Road. Included with the franchise are the plans and specifications from the State with the engineer's drawings showing the 3" line and a letter dated January 7, 2008 to Mr. Oakes from State Parks with an attachment from Gray & Osborne, Inc. indicating the specifications of the 3" line and the number of future units it could obtain.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 4, 2008 - SPECIAL AND REGULAR SESSION**

**HEARING HELD: ORDINANCE C-01-08/PLG-01-08 AMENDING THE PLANNING  
AND COMMUNITY DEVELOPMENT BUILDING PERMIT FEE SCHEDULE**

Another public hearing was conducted concerning Ordinance C-01-08/PLG-01-08 Amending the Planning and Community Development Building Permit Fee Schedule. (*Continued from January 28, 2008*).

Jeff Tate, Director of Planning and Community Development said the Board on January 28 instructed staff to re-visit Exhibit C of the Resolution, the exhibit that outlines affordable housing fee reductions, and determine whether the fee reductions remain applicable or if they should be modified. He believes following that review there probably are a few changes that would be appropriate in terms of an affordable housing fee schedule but he thinks it is premature now to address it. Staff has had instruction from the Council of Governments to begin working on some affordable housing work groups for the purpose of discussing policies and regulations; therefore, staff believes that the fee schedule would more appropriately be addressed during that time. Subsequently the Department will return to the Board with a full package of amendments, policies, and ideas on what to do for affordable housing. At this time Mr. Tate is recommending that Exhibit C remain as is.

Public comment having been closed on January 28, the Board by unanimous motion approved Resolution C-01-08/PLG-01-08 in the Matter of Amending the Planning and Community Development Building Permit Fee Schedule.

Commissioner Bakke commented that when putting together the work groups for affordable housing that the City partners are drawn in as well in an effort to identify and propose an affordability fee schedule that would cross the County jurisdiction into the area of City partners. By doing so it will create consistency and be of benefit for affordable housing.

**COMMISSIONERS' COMMENTS AND ANNOUNCEMENTS**

**RESOLUTION C-07-08 IN THE MATTER OF PROCLAIMING THE WEEK OF  
FEBRUARY 11-17, 2008 RANDOM ACTS OF KINDNESS WEEK IN ISLAND COUNTY**

The Board by unanimous motion approved Resolution C-07-08 in the Matter of Proclaiming the Week of February 11-17, 2008 Random Acts of Kindness Week in Island County.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 4, 2008 - SPECIAL AND REGULAR SESSION**

There being no further business to come before the Board the meeting adjourned at 10:57 a.m.  
The Board will meet next in Regular Session on February 11, 2008 beginning at 9:30 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