

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
JANUARY 7, 2008 – SPECIAL AND REGULAR SESSIONS**

SPECIAL SESSION

The Board of Island County Commissioners met on January 7, 2008 in Special Session beginning at 9:00 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. 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 just under 30 minutes.

Executive Session concluded at 9:25 a.m.

REGULAR SESSION

The Board of Island County Commissioners met in Regular Session on January 7, 2008 beginning at 9:30 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. The meeting began with the Pledge of Allegiance. The Board by unanimous motion approved the minutes from the December 10 and 17, 2007 Regular Sessions and December 6, 7, 10, and 24, 2007 Special Sessions.

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

By unanimous motion the Board approved the monthly electronic fund transfers, the payroll dated December 31, 2007, and the following vouchers/warrants:

Vouchers (War) #s 278073-278343 (2007) ...	\$428,679.88
Vouchers (War) #s 278028-278072 (2008) ...	\$ 59,947.76
Electronic Fund Transfers	\$ 5,377.84

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Larry Larson, Human Resources Director, the Board by unanimous motion approved the following personnel action authorizations clarifying first that Superior Court PAAs 002/08 through 005/08 are not actually new positions but rather, positions filled with contracted individuals. Due to recent rulings, those contracted persons will now become employees. Additionally, PAAs 006/08 through 009/08 are new positions but are being filled from existing staff so no net increase in personnel. Positions currently existing for those individuals moving into the lead officer positions will be inactivated.

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Auditor	011/08	Deputy Auditor Elections, .25 FTE	213.00	Replacement	01/07/08
Juvenile Court Services	006/08	Lead Detention Officer	1409.01	New Position	01/07/08

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<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
	007/08	Lead Detention Officer	1409.02	New Position	01/07/08
	008/08	Lead Detention Officer	1409.03	New Position	01/07/08
	009/08	Lead Detention Officer	1409.04	New Position	01/07/08
Public Works	152/07	Acting Office Manager	2206.00	Personnel Action	11/29/07
	010/08	Solid Waste Attendant, .60 FTE	2249.20	Replacement	01/07/08
Superior Court	002/08	Judge Pro Tem	2006.01	New Position	01/01/08
	003/08	Judge Pro Tem	2006.02	New Position	01/01/08
	004/08	Judge Pro Tem	2006.03	New Position	01/01/08
	005/08	Judge Pro Tem	2006.04	New Position	01/01/08

**CREATION OF HUMAN SERVICES DEPARTMENT AND APPOINTMENT OF
JACKIE HENDERSON AS DEPARTMENT HEAD**

Commissioner McDowell said the public wants the County to be more involved in the area of Human Services so he believes the proper action of the Board therefore is to create such a department and appoint Jackie Henderson, whose focus will strictly be in that area, as department head.

Commissioner McDowell moved for approval of PAA 001/08 creating the position of Human Services Director; that Jackie Henderson be appointed as Human Services Director effective January 1, 2008; and that the Human Services Department be established effective January 1, 2008.

Commissioner Bakke seconded the motion reiterating Commissioner McDowell's comments, adding he is confident that this action of the Board will raise public awareness and provide needed education. He looks forward to working jointly with Ms. Henderson to make a difference.

Chairman Dean congratulated Ms. Henderson and her staff and said the Board will be of support whenever needed. Motion unanimously carried.

TRANSFER OF PARKS DEPARTMENT FROM GSA TO PLANNING

Commissioner McDowell moved that the Board transfer the Parks Department from GSA to the Planning and Community Development Department effective January 1, 2008. Commissioner Bakke seconded the motion, unanimously carried.

Commissioner Bakke asked if it is the intention of the Board to include Conservation Futures in the transfer. He believes that Property Management and Conservation Futures should stay with GSA; Parks maintenance management, for physical Parks properties, to Planning. Commissioner

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McDowell recommended at this stage that Conservation Futures remain with GSA. Commissioner Dean agreed.

Ms. Marlow asked for clarification of “Property Management” because some property is considered open space and not listed in the code as Parks. Does that mean such properties will be handled by Property Management?

Chairman Dean said the question relating to DNR transfer land should come under the jurisdiction of Parks and therefore handled by Planning. He believes it important to continue to keep as a goal that ultimately someday Parks will become its own department because it is an important issue for everyone. He urges Planning to work closely with Public Works since the two need to go hand-in-glove as the departments are managed.

LOW INCOME HOUSING SURCHARGE FUNDS

The Board by unanimous motion approved award of the following Low Income Housing Surcharge Funds as recommended by the Island County Affordable Housing Advisory Board:

- Housing Authority of Island County – operating assistance for Glenhaven in the amount of \$6,300 for 2007-2008 under an existing contract;
- Housing Authority of Island County – grant to satisfy Goosefoot loan in the amount of \$80,000;
- Housing Authority of Island County – operating assistance for Marjie’s House Emergency Shelter in the amount of \$18,000 annually for three years.

HEALTH DEPARTMENT

As recommended by Tim McDonald, Health Services Director, by memorandum dated January 2, 2008, the Board unanimously approved the following agreements and Requests for Exception:

Amendment No. 1 to DSHS/DDD Developmental Disabilities/County Services Contract for additional funding for DDD biennium contract and correction of contract language. Contract No: 0763-20841-01; Contract Amount: \$1,051,399; Amendment Amount: \$305,977. (RM-HLTH-07-0106)

Service Agreement with Compass Health for the Mental Health/Jail Transition Program. Amount will fund professional services providing mental health intake assessments for individuals who qualify for Jail Transition Services. Contract No: HS-17-07; Contract Amount: \$5,000. (RM-HLTH-07-0103)

Request for exception from the competitive solicitation procurement for consultation services for the Parent Education Program. Bess Windecker Nelson, PhD – Parent Education Program, Contract No. HD-46-07.

Request for exception from the competitive solicitation procurement for Maternity Support Services/Infant Case Management Program. Compass Health – MSs/ICM Behavioral Health Specialist, Contract No. HD-42-07.

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PUBLIC INPUT OR COMMENTS

Steve Erickson with Whidbey Environmental Action Network (*provided hand-out dated January 7, 2007 [sic] on file with the Clerk of the Board*) [GMA No. 9690] provided his final written comments concerning the proposed wetlands ordinance. One specific comment concerns the provision in the ordinance that allows farming to be resumed in any wetland that has ever been “historically farmed” no matter how long ago, in violation of Senate Substitute Bill 5248. He researched and discovered that according to the USDA the peak year of farming in Island County was 1940. At that time approximately 55,000 acres were farmed in Island County, about 41-42%. By 2002, the most recent year for which statistics are available, the area being farmed had declined by 39,951 acres. Mr. Erickson said that the consultant, Dr. Paul Adamus, estimated that approximately 14% of Island County’s land area is wetlands. If that rate holds true for the area that was once farmed and no longer is farmed, then under this provision there is potentially about 5600 acres of wetlands that could be disturbed, constituting about 30% of all wetlands in the County. The provision surprises him because he thought the question of expanding new agriculture newly into wetlands was settled long ago.

Teresa Marie Ghandi, P.O. Box 437, Clinton, remarked that the Chinook Salmon and others are an endangered species and Island County’s shorelines are its major habitat. She is shocked to learn that the Planning Commission is allowing herbicide products to be used next to wetlands and under wetlands function habitat there is no allowance for non-wetlands species.

Angie Homola, 2362 Happy Lane, Oak Harbor summarized her earlier testimony to the Board. She believes the current direction of the ordinance could be devastating to landowners. She talked with Eric Johnson, City of Oak Harbor, about storm water run-off. They discussed three retention ponds that lead to the west side of the island before ultimately meeting Swan Lake and Puget Sound. Mr. Johnson told her that the water is not being tested before going to the ponds because the state does not require such testing. She does not believe the wetlands and shorelines are properly protected; that the ordinance can be enforced; that putting it in the hands of the public to make decisions about respective wetlands is not sufficient; the ordinance needs major work as there are too many loopholes; and many citizens, not developers, share her opinion. She said the Board needs to enforce the regulations and get away from paying fees-in-lieu-of.

Ms. Homola then proceeded to read a letter from her husband, Jerry Homola (*provided hand-out dated January 6, 2008 on file with the Clerk of the Board*) [GMA No. 9691], that in essence said he also opposes the adoption of the ordinance “because it does nothing to improve the protection of Island County Wetlands. In fact, it decreases the protection of wetlands.” The letter summarizes by saying “it provides improved opportunity for wetland impacting development; ability of landowner to pay an undefined fee to bypass all wetland protection considerations; it should reflect sound scientific policy void of political agendas; and it protects and improves future development opportunity at a cost to critical areas.” He believes the ordinance should return to the Planning Department.

Susan Johnson, 565 Olympic View Drive, Coupeville hopes the decisions take into account the sources of the islands’ fresh water, a valuable resource.

Gerald Pitsch, 2527 West Beach Road, Oak Harbor said that one problem is the statement that there could possibly be a five year delay in establishing a baseline for wetlands monitoring. He believes a baseline for monitoring wetlands could be arrived at much sooner.

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PUBLIC WORKS

As recommended by Bill Oakes, Public Works Director, the Board unanimously approved the following:

Roads:

Hearing Rescheduled – February 5, 2008 - 2:30 p.m. *[Previously scheduled February 7, 2008]*

Camano Multipurpose Room in the Camano Center, 141 NE Camano Drive, Camano

Resolution C-125-07/R-47-07 In the Matter of Declaring Intent to Vacate a Portion of County Road Right-of-Way known as Shoreline Drive located in the Plat of Tyee Beach, Secs. 11/14, Twp 30N, R 3E.

Hearing Rescheduled – February 5, 2008 - 2:30 p.m. *[Previously scheduled February 7, 2008]*

Camano Multipurpose Room in the Camano Center, 141 NE Camano Drive, Camano

Resolution C-126-07/R-48-07 In the Matter of Declaring Intent to Vacate a Portion of County Road Right-of-Way known as an unnamed alley located in the Plat of Utsalady, Sec. 19, Twp 32N, R 3E.

Renewal of Adopt-A-Road Litter Agreement with Unitarian Universalist Congregation of Whidbey Island for Mutiny Bay Road from Bush Point Road to Highway 525.

Agreement with Robert F. Saul, Holmes Harbor Golf and Yacht Club; Div. No. 2, Lot 3; Sec. 3, Twp 29N, R 2E. *[PW-0720-110]*

Agreement with George Edward and Bonnie Jane Cramer, Trustees of the Cramer Revocable Family Trust, Holmes Harbor Golf and Yacht Club; Block 2, Div. No. 1, Lot 14; Sec. 3, Twp 29N, R 2E. *[PW-0720-111]*

Solid Waste:

Agreement with Washington Department of Ecology, Coordinated Prevention Grant Regular Cycle Agreement and Procurement Certification Form. Contract Amount: \$322,228 (State \$241,671/County \$80,557); Grant No. G0800196; *[SW-07-0126]*

PLANNING AND COMMUNITY DEVELOPMENT

By unanimous motion the Board approved the following as recommended by Jeff Tate, Director:

Hearing Scheduled – January 28, 2008 - 2:30 p.m. – Hearing Room, Coupeville

Resolution C-01-08 (PLG-001-08) In the Matter of Amending the Planning and Community Development Building Permit Fee Schedule.

Covenant with Kelli Short for Buildings that Qualify to be Permitted Without Fire Flow. Parcel No. R13301-363-0970 located on North Whidbey Island, Washington.

Contract with Washington State Department of Ecology on behalf of Holmes Harbor Shellfish Protection District for Local Government Storm Water Grant Program Agreement. Contract No. G0800260; Contract Amount: \$75,000, unmatched.

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Signature of Ordinance C-129-07 (PLG-022-07) [adopted at Special Session December 10, 2007] In the Matter of Designating Freeland as a Non-Municipal Urban Growth Area and Incorporating the Freeland Sub Area Plan into the Island County Comprehensive Plan. Mr. Tate said that at Special Session on December 10, 2007 the Board voted to adopt the Freeland Sub Area Plan and to designate Freeland as a Non-Municipal Urban Growth Area; this action is signature of the ordinance. He confirmed such signature does not replace the necessity of the Board to adopt Findings and an implementation strategy/timeline resolution discussed December 10. Those documents are still on track to be completed in January. [GMA No. 9692]

**ORDINANCE C-02-08/PLG-011-07 IN THE MATTER OF UPDATING ISLAND
COUNTY COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS
RELATING TO WETLANDS**

The Board received the recommendation of the Island County Planning Commission concerning Ordinance C-02-08/PLG-011-07 in the Matter of Updating Island County Comprehensive Plan and Development Regulations Relating to Wetlands. The Chairman clarified this is not a public hearing so the Board will not be taking public comment.

Keith Dearborn invited the Chair of the Planning Commission and other members if they wish to present the Commission's recommendation.

Val Hillers, Chair of the Planning Commission, began by saying that the Commission is pleased to present the proposed update to the regulations related to the wetlands ordinance. She estimates that the Planning Commission members have spent at least 1000 hours working on the document. Highlights include:

- Reviewed many technical reports;
- Extensive number of public workshops;
- Lengthy public hearings;
- Much testimony, both oral and written; and
- Numerous reviews of the ordinance and many changes in response to concerns of the public and others who have given input.

She then highlighted certain portions within the ordinance:

Page A-1 Goal:

The goal of the proposed ordinance is to maintain healthy, functioning ecosystems to benefit the residents of the County through the protection of critical areas.

This is a goal that everyone shares. Ms. Hillers understands there are people who are not happy with various parts of the ordinance but in general, all agree with the goal.

Page A-1 Policies:

Development regulations to protect critical areas should be adopted after considering scientific information judged by the County to be the best available at the time of enactment.

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Emphasis on “science.” Ms. Hillers complimented the Planning Department for its extensive work with wetlands scientists to have the document reflect the state of the art of what is known about wetlands.

Page A-1 Policies:

To the fullest extent possible, the protection of critical areas should be accomplished through the voluntary cooperation of landowners and should minimize the burdens imposed on land owners.

She said it is important that everyone agree so that the people, as a county, can be proud of the place we live.

Page C-19 Figure 1 – Critical Area Review Process, Schematic Outline that Planning Department will use for all development proposals.

Continuing on Ms. Hillers then described a schematic and its various steps to determine critical areas:

- Step 1 - Locate and Classify: The landowner begins that determination through a Wetland Identification Guide then it is confirmed by the Planning Department. The landowner, through the guide, gets a preliminary idea of what the buffers will be then will work with Planning Department staff to be sure that the wetland and buffers are correctly identified.
- Step 2 – Determine Preliminary Buffers: What things affect wetland buffer size is a variety of factors, most importantly the type of wetland, the intensity of land use, what habitat is there determined by a score, whether the wetland has an outlet, and the slope of the land going into the wetland.
- Step 3 – Review/Revise Design to Avoid or Reduce Critical Area or Buffer Alterations: After the preliminary buffers are determined the proposal is reviewed to see if there are any proposed alterations to critical areas or the buffers. Again, staff will work with the landowner to revise the design as necessary to avoid or reduce the effect on the critical areas and buffers.
- Steps 4 and 5 – Establish Final Buffers; If the Needed Alteration Cannot be Restored, then Determine Required Mitigation: The final buffers are established. If there is any required alteration of wetlands or buffer and restoration is not possible, then mitigation is an option. Again, it is important to work closely with Planning Department staff to ensure that the mitigation results in a wetland is a win-win situation.
- Steps 6 and 7 – Approve Development Proposal; Record Conditions of Approval: The development proposal is approved by the Planning Department and the conditions of the approval are recorded.

She then reviewed the two documents accompanying the proposed ordinance that in her opinion, will be very useful for landowners: (1) the Wetland Identification Guide which enables residents to make preliminary identification of whether there are wetlands on the property, land use intensity, buffer, a wonderful education tool for people to understand wetlands and what can be done to preserve wetlands; and (2) the Rural Stewardship Plan, which compliments the Wetlands Identification Guide, enables landowners to take that extra step for extra protection of wetlands, explaining the benefits to landowners who decide to do just that.

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In summary Ms. Hillers said the ordinance has many compromises as the Commission has attempted to both protect critical areas and permitted uses of property. She said there are times when those goals are somewhat conflicting but the Commission struggled long and hard with those conflicts and it is proud of the end result. The Commission is certain the proposed ordinance is a positive step forward, it is better than the current ordinance, and she believes it will increase the public's understanding of the purpose and value of protecting critical areas and how they themselves as landowners can protect wetlands.

Sheila Crider thanked the Board for the team created to assist the Planning Commission. Dr. Paul Adamus provided the tools needed to define what wetlands were within Island County in helping to create a document that would protect wetlands long term. She knows the process was a huge expense but the work will be the benchmark from which other counties will set forth its work. Ms. Crider expressed her appreciation to Mr. Dearborn and Commissioner Bakke. She feels the document before the Board represents what will assist in ensuring the County's wetlands long-term.

Mr. Dearborn then reviewed procedure upon receipt of the Planning Commission's recommendation. Under state law he said there are two choices for the Board but both involve setting another date: the date can be to adopt the Planning Commission's recommendation or hold a hearing and adopt amendments to the Planning Commission's recommendation after completing the hearing. If the Board decides to consider amendments to the Planning Commission's recommendation the hearing will be on the amendments only, with testimony received on the amendments, before taking final action.

Remarking about the process to this point Mr. Dearborn commented it has been three years to develop the proposal that the Planning Commission presented and he is pleased that the ordinance is worked in such a way that it is fitting to Island County. He said the Planning Commission deserves an immense amount of credit for the challenge of developing what the Board set them on course to do. The Board's direction in the beginning was to not just accept the system that the state proposed unless it is appropriate, but work to develop a system that is transparent, that engages the property owner, and fits local circumstances. He said what is before the Board today is a unique program, no other county has a program like the one the Planning Commission is recommending, and it will take a considerable amount of work to be able to have it ready for implementation.

Mr. Dearborn then reviewed suggested amendments to the recommendation. The letter from the Department of Community, Trade, and Economic Development asks that the Board delete one of the Planning Commission's recommendations relating to storm water and treating it by a property owner when it is exceeding the amount historically received. A second amendment is suggested by the Code Reviser to delete reference to a WAC not yet adopted. Mr. Dearborn and staff recommend the Board consider the two amendments and provide direction.

Mr. Tate and his staff are now beginning to think about implementation of the program and what it means to the Department, the community, contractors, consultants, real estate agents, landowners, and others. Currently the ordinance states it will go into effect 90 days after adoption. Mr. Tate said that Planning has gone through the ordinance in great detail to review all the different things that the ordinance now calls for ranging from new types of land use permit applications to updating development information bulletins, development of forms for recording

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decisions that are required in the ordinance to be recorded, together with another level of necessary staff education in not only Planning but other departments as well. Outreach is also needed to stakeholders, landowners, letting people know when the new regulations will go into effect, contacting consultants and contractors who right now are in the planning phases for clients to submit an application in the not to distant future. Mr. Tate said it is important to have people at the ready, develop tools for tracking decisions, and monitoring the effect of the ordinance. A wetland monitoring program is called for in the ordinance. To properly prepare Mr. Tate said staff is requesting that the Board modify the ordinance so that it goes into effect July 1, 2008 instead of 90 days after adoption. He presented a memorandum to the Board that outlines the implementation strategy and said the plan is to have much of the materials available at the counter by May 31st. *(Hand-out provided dated January 7, 2008 on file with the Clerk of the Board)* [GMA No. 9693]

Mr. Dearborn emphasized the point of the new review process. The ordinance recommendation if adopted will fundamentally and completely change the way the County reviews applications affected by critical areas and is done in a way that is different from any other jurisdiction. It requires that critical areas be avoided if they can be; that impacts be reduced if cannot be avoided; that impacts be restored if cannot be avoided and cannot be reduced; and requires mitigation compensation if there is an intrusion into a critical area or critical area buffer. These are fundamental inquiries that staff will make with every application, as directed by the ordinance. It will allow the property owner to be engaged in the process from the beginning, understand why a buffer is being established, and learn and see for themselves what the buffer will be. He noted that the County received no comment from the public on buffers saying the only question raised was why so many buffer choices. Some suggested there should be only one-size-fits-all in the buffer choice area but according to Mr. Dearborn, Dr. Adamus said that a one-size-fitting-all system is not best available science. That is why the County has developed a system that has multiple buffers for multiple conditions.

Continuing on Mr. Dearborn said that a unique goal to the system is to try to fit the critical area regulations to the specific on-the-ground-conditions, property-by-property, and the ordinance is being tailored on a case-by-case basis to match up with the impacts being generated by a proposal. This process is more work for staff but will be vastly better in terms of protection. The science says that a system tailored to the individual site specific condition is far preferred for critical area protection then one that is just a list of buffers that come from a table and are not made to match the conditions on-site.

Concerning the 1984 regulations, Mr. Dearborn said the County has been implementing a wetland regulation for 25 years that has been imposing buffers that are larger than science would suggest is necessary. For most property owners on five acre lots, single family home development, buffers will be smaller in the new system than they currently are in the existing system. In the opinion of Dr. Adamus and state agencies, this is best available science.

Lastly Mr. Dearborn commented that the agencies' letter commended the County for the work it has done saying it is a model for other counties to consider. Clearly the highest compliment the County could be given for the recommendation from the Planning Commission.

Mr. Tate, in closing, commented first about the fee-in-lieu-of program referenced on pages C-28 and C-29 of the ordinance under the section entitled "Off-site Mitigation." He said it is important to put the program into perspective. First, the program does not exist. The ordinance says that the

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Department may develop a program for wetlands and streams to allow payment of a fee-in-lieu-of providing on-site or off-site mitigation. Mr. Tate wanted it to be clear to the Board and everyone that the County cannot collect fees for the program on the day the ordinance goes into effect. The program will first need to go through the Planning Commission, advertised and noticed, and eventually come before the Board. Dialogue will need to happen about when it is appropriate to use it, how to calculate fees, and how to distribute the money. The intent is clearly to use the money to invest back into wetland and stream resources within the community but Mr. Tate wanted it known that option is a last option. The ordinance is clear to say that on-site mitigation is the first priority. The fee-in-lieu-of program that may exist one day becomes a safety net, a last option.

His second comment in closing concerns wetland monitoring. He said no other county, not even the state, has a program such as the one proposed. The County is looking at water quality parameters within wetlands and vegetation within wetlands and how it changes over time. The ordinance and the program guide the County to look at surrounding land use activities and buffers, effects in the area, in an attempt to try to understand what is happening and what the impacts are. Though it has been said it will take five years of evaluating certain wetlands to start drawing conclusions as to what the baseline information is Mr. Tate said the Department is not waiting five years to begin the program, it will begin immediately. Time is needed to evaluate and monitor trends, understand what is happening, then draw back to the effectiveness of the rules. That is adaptive management and adaptive management is a term in the Growth Management Act that encourages counties to learn, understand, and make course direction along the way. Five years is the cut-off when the Department says it has enough information to establish a steady baseline.

In answer to a question from Commissioner Bakke asking if it were the scientific community that suggested the five years before a steady baseline could be determined, not just a policy decision, Mr. Tate said that after discussions with Ecology and Fish and Wildlife the same principles were used from what was learned in the Surface Water Quality Monitoring Program.

Mr. Tate also briefly spoke about how landowners are not in a position under the ordinance to be making a determination of what their wetland and buffer are; County staff will ultimately make the final determination on buffer size, wetland type, land use intensity, and the County will evaluate each one of those.

Commissioner McDowell first thanked the Planning Commission members for a job well done and from what he sees in the documents he believes many more people will become more involved and knowledgeable about wetlands.

Commissioner McDowell moved that the Board establish January 28, 2008 at 2:30 p.m. for a public hearing on the following suggested amendments to the ordinance. Testimony will only be allowed on the proposed amendments and the remainder of the packet will remain the same with the exception of the Planning Commission's proposal:

1. Remove a reference to a Washington Administrative Code that does not exist, located in the section governing mitigation banks, page C-45, subsection K(1). Language omitted are the words "under Chapter 173-700 WAC." Section K(1) shall read: "The bank as certified by the Department of Ecology";

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2. Change the effective date of the ordinance to July 1, 2008. Language on page 2 of the ordinance shall read: "BE IT FURTHER ORDAINED that this ordinance shall take effect July 1, 2008." Language on page C-45, section 17.02A.120 shall read: "Chapter 17.02A ICC shall go into effect July 1, 2008";
3. Modify an exemption in the ordinance governing operation and maintenance activities as recommended in the January 4, 2008 agencies' letter. The modification eliminates language that allows downstream landowners to manage storm water that occurs as a result of upstream construction of roads and other improvements. These activities should be allowed through a permit rather than as an exempt activity. Page C-26, subsection B, strike the words: "This Exemption includes actions required to manage storm water that is intentionally or unintentionally directed to downstream property by the construction, upstream, of roads, structures and other improvements." Also strike in the same subsection "and storm water management activities shall be conducted consistent with review procedures established by the Department."

Commissioner Bakke seconded the motion then added a suggested fourth amendment. The Planning Commission's transmittal letter raised an issue previously raised by Ms. Hunsinger concerning section 17.02A.090.D.1.2.3 on page C-35 and the cleared area limitations as it applies to high, medium, and low intensity uses. He asked that staff review again the percentages and how they apply to see if a more equitable or refined approach can be achieved.

Upon Mr. Tate's assurance that he could have such information to the Board by Monday, January 14, 2008 so the Board can make a determination at that time whether to consider a fourth amendment along with the other three, thereby meeting the advertising requirement for the public hearing on January 28, Commissioner McDowell seconded Commissioner Bakke's motion to consider a fourth amendment to the ordinance.

The Chairman reviewed for clarity the four proposed amendments and opened the floor to Board comment.

Board Comment

Commissioner McDowell again thanked the Planning Commission for its work saying he really liked Ms. Hillers' presentation about shared goals. He believes that if people can understand the program then most will accept it. He believes this is good science and a tool such as the Wetland Identification Guide is a wonderful resource, along with other tools, to help people understand. Commissioner McDowell publicly acknowledged Mr. Dearborn thanking him for his work in 1984 and again now to arrive at something that people can understand rather than one size fits all. Rather than criticism Mr. Dearborn is owed a debt of gratitude for the overall concern of preserving wetlands.

Commissioner Bakke shares a commitment to protecting the islands and making this a good place to live in the future, commending the Planning Commission volunteers for their commitment to also protect the islands. He referred to page C-30 of the ordinance, "Guiding Principles," saying that is exactly what they are; principles to protect the islands, balance the goals and policies of the act, and move forward in a proactive and positive way. From that came the commitment to have an ordinance that would engage the community. To develop a partnership with the community was foremost with the Department from the beginning and he believes the tools now available meet that goal. He commends the entire team, the peer review specialists, all the various people

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involved. From his perspective, Commissioner Bakke said that what is before the Board and staff today is not something that will be put on the shelf and forgotten about, but in fact is something that will be reviewed on a regular basis as the ordinance implicitly requires through its adaptive regulatory approach.

Chairman Dean remarked that he came into this as a layman and felt early on when he read the ordinance, from a layman's standpoint, that the County truly is trying to find some middle ground and balance and feels that has been accomplished. The islands will continue to attract people so there is a need to continually find space and the balance will be harder to find. He believes we have reached some middle ground that is fair to both sides; that is, we will protect the environment, we will allow people to live here, and we will not take away their property. The Chairman said that he has also noticed a pre-disposition people have to assume that Island County is pro-growth and pro-development and he assured everyone that the Board is going to do everything it can to make finding a balance between growth and environmental protection a first priority. He believes the letter received from the Department of Community, Trade, and Economic Development on behalf of Department of Ecology and Fish and Wildlife should be underscored. It refers to the proposal as having clear policies and is a regulatory regime that explicitly takes into consideration intensive land use, topography, soils, other characteristics, totally scientifically based, with an excellent compliance monitoring program. Chairman Dean said it is not perfect, it is never going to please everyone, but he feels it is firmly based on scientific research and also pays attention to people's need to live and prosper here. He assured everyone that if the Board finds over time that it does not do the job, the County is going to revise it until it does. He congratulated Mr. Dearborn, Mr. Tate, and Commissioner Bakke for a job well done.

By unanimous motion the Board approved setting a public hearing on January 28, 2008 at 2:30 p.m. for consideration of three amendments to Ordinance C-02-08 (PLG-011-07) in the Matter of Updating Island County Comprehensive Plan and Development Regulations Relating to Wetlands. [GMA No. 9694] On January 14, 2008 at its regularly scheduled meeting the Board will determine if it will include or exclude the fourth recommended amendment to reconsider the clearing thresholds that aid in determining land use intensity.

There being no further business to come before the Board the meeting adjourned at 11:40 a.m. The next regularly scheduled meeting of the Board will be on Monday, January 14, 2008 at 9:30 a.m.

BOARD OF COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Phillip Bakke, Member

ATTEST:

William L. McDowell, Member

Elaine Marlow, Clerk of the Board