

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
NOVEMBER 25, 2009 – SPECIAL SESSION**

The Board of Island County Commissioners met in Special Session on November 25, 2009 beginning at 2:30 p.m. at the Board of County Commissioners Hearing Room (Room # 102B-basement), County Annex Building, 1 N.E. 6th Street, Coupeville.

The purpose of the Special Session was to consider for approval:

- Ordinance C-148-09 Approval of Special Assessments for the Whidbey Island Conservation District and Snohomish Conservation District
- Interlocal Cooperation Act Agreement with Whidbey Island Conservation District and Snohomish Conservation District Regarding Special Assessments
- Letter supporting the Whidbey Island Conservation District's (WICD) application for 2011 Centennial Clean Water Funds for the Whidbey Small Farms Water Quality Improvement Project

(1) Ordinance C-148-09 Approval of Special Assessments for the Whidbey Island Conservation District and Snohomish Conservation District

(2) Interlocal Cooperation Act Agreement with Whidbey Island Conservation District and Snohomish Conservation District Regarding Special Assessments

Chairman Dean

Chairman Dean began by saying that the Board was asked by Whidbey and Snohomish Conservation Districts to approve an annual assessment of \$5.00 per acre plus \$0.05 per acre beginning in 2010, to fund and expand natural resource conservation in Island County. On October 26 the Board unanimously voted to request the Prosecuting Attorney to prepare an ordinance for approval of the special assessment along with an Interlocal Agreement that would include an indemnification clause. Both items were brought to the agenda on November 23 at which time the Board agreed to table both documents until today.

The original ordinance was changed to an annual assessment of \$5.00 per parcel with no additional amount per acre. The original \$0.05 per acre was dropped. The Interlocal Agreement contains an indemnity section approved by both Conservation Districts.

The Board is obligated by law, he said, to decide whether the conservation district has demonstrated that the public interest will be served by the joint proposal and whether the special monetary assessment exceeds the special benefit that properties receive from the activities of conservation districts.

Chairman Dean continued by saying that the first test, whether the public interest will be served, is clear. Both Islands are dependent on sole source aquifers, there is a long-standing shared value of retaining rural agricultural character, and increased population. The public is well served when together we clean up Puget Sound water quality, protect neighborhood drinking water supplies from contamination, promote low impact development, solve ongoing drainage problems, and protect habitat and critical areas.

The second test, demonstrating that the special monetary assessments will not exceed the special benefit that each parcel receives, also has been met. The special benefits to land subject to the special assessment will meet or exceed the amounts to be assessed. The programs and activities of the conservation districts, financed by the assessments, will be available to specially benefit the

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lands subject to the assessments. Inherent in this concept is the opportunity for ongoing future benefit from programs and services. The opportunity to partake in a benefit, even if not resulting in physical improvements to all parcels, is a special benefit. Under the State Conservation Commission Rules, WAC 135-100-150, the special benefit does not necessarily mean that appraised property value of lands subject to the special assessment are improved or altered through conservation district programs and activities, but that they have the opportunity to do so.

A third finding which prompted the Board to change the original \$0.05 per acre assessment to \$0.00 is that the administrative costs of determining both the acreage per parcel and the special assessment amount of \$0.05 per acre for each parcel will exceed the revenue that would be received from a per acre portion of the assessment. Therefore, that per acre portion of the assessment has been modified to read *zero dollars or zero cents per acre*.

Similarly, Chairman Dean concurs with the conservation districts' request that forest land parcels be exempt from the conservation districts' special assessment because the special assessment amount for each forest land parcel, under a complicated formula contained in RCW 89.08.400(3), would require developing a computer program, the cost of which would exceed the revenue received from an assessment on forest land parcels.

The Chairman believes the tests have been met and therefore supports approval of the special assessment as well as the Interlocal Agreement.

Commissioner Price Johnson

Commissioner Price Johnson commented that land zoned Rural Forest is exempt, other forest lands are not and those make up the bulk of forest lands in the County; the average size forest land parcel is nine acres and those small forest land owners have voiced support of the assessment. One such letter of support indicated that the State funding for forest management has diminished greatly over the years; 78% of Island County is covered by some type of forest cover, 7,913 individuals own forest lands two acres or larger. It is her opinion that by far the bulk of the forest land owners in Island County will receive some benefit. In any of the promotional materials put forward by the chambers in promoting the economic development in the County, they speak to the rural character which relates to the benefits that well-managed forests provide.

Another important aspect of the assessment will go to assisting the local agricultural community. The preliminary data reflects that over a million dollars has been generated just in the local farmers' markets. Much of the funding for the conservation district has come through state grants but those not only are restrictive based on availability but also are competitive. Agricultural enterprises are important for the local economy. What the conservation district provides is a way to help ourselves within the County, that local dollars can be reinvested in the local economy and local natural resources to preserve what is dear into the future. For that reason Commissioner Price Johnson supports the endeavor.

Commissioner Homola

Commissioner Homola agreed with what both Chairman Dean and Commissioner Price Johnson said, adding that the projections for the top money makers for the State of Washington are health care and the environment and energy. If the Board can move forward with supporting items that help the environment she believes the County will be in the forefront rather than trailing other

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areas. The programs for natural resource priorities, public outreach priorities, and the goals of the district would be in keeping with those economic developments.

There was earlier dialogue with the conservation district about a Memorandum of Understanding that Commissioner Homola first prepared on November 6 and revised on November 10, for those items that could not be incorporated into the ordinance or the Interlocal Agreement. She wanted to be sure that the conservation district was on board with finalizing that Memorandum of Understanding. Items already covered and those that would be covered in the MOU include:

- Proper funding for Island County (reimbursement from the expenses incurred by Island County)
- Indemnifying Island County
- Conservation district will work jointly with the County's Planning & Community Development Department to address farm plans (to assure compliance with the critical areas ordinance).
- Conservation district will agree to review the County's low impact development, fish and wildlife, shoreline management plans and renewable energy ordinances.
- The district will continue to work with WSU Extension on projects and plans, soliciting and contracting cooperatively with the Extension whenever possible, using the expertise of Extension as a first right of refusal.
- Because specific parcels were removed from the assessment, parcels not taxed by Island County (including publicly-owned parcels, Native American Lands, personal property, and forestry designated by Island County Zoning as Rural Forest) will not benefit.
- Assurance that the farm plans are in compliance with the current County codes and ordinances.

Commissioner Price Johnson clarified that the assessments will only be used for the lands that were assessed.

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA, to APPROVE the Interlocal Cooperation Act Agreement between Island County and the Whidbey and Snohomish Conservation Districts Regarding Special Assessments. MOTION CARRIED: 3-0

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA, to APPROVE Ordinance C-148-09. MOTION CARRIED: 3-0

(3) Letter supporting the Whidbey Island Conservation District's (WICD) application for 2011 Centennial Clean Water Funds for the Whidbey Small Farms Water Quality Improvement Project

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA, to approve for signature the letter of support. MOTION CARRIED: 3-0

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The Special Session adjourned at 2:46 p.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Helen Price Johnson, Member

Angie Homola, Member

ATTEST:

Elaine Marlow, Clerk of the Board