

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**REGULAR SESSION - OCTOBER 6, 1997**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on Monday, October 6, 1997, at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and Tom Shaughnessy, Member, were present. Also in attendance were Margaret Rosenkranz, Auditor/Clerk of the Board, and E. Meyer, Secy. to the Board. Minutes were approved and signed from the meeting held on September 15, 1997.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher (War.) #11704 -12044..... \$ 375,411.77.

The September payroll was also approved.

Veterans Assistance Fund: [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. By unanimous motion, the Board denied Veterans Assistance Claim #V97-38 as recommended by the Veterans Assistance Review Committee.

Human Resources

Dick Toft, Director, Human Resource Department, presented four proposed personnel action authorizations. By unanimous motion, the Board approved the following:

<u>DEPT.</u>	<u>PAA #</u>	<u>DESCRIPTION</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>
Public Works	100/97	Acct. Super. Position #2209.00	Replacement	10/31/97
Public Works	103/97	Laborer I, O.H. Position #2245.09	Replacement	10/7/97
Assessor	102/97	Sr. Cit.Exempt. Position #112.00	Replacement	10/7/97
Assessor	104/97	Appr.Lev.3 Position #106.05	Pers. Action	11/1/97

EBEY'S LANDING NATIONAL HISTORIC RESERVE TRUST BOARD

By unanimous motion, the Board reappointed Mrs. Benye Weber, Coupeville, as a member of the Ebey's Landing National Historic Reserve Trust Board, to serve another four year term, Position N#7, member-At-Large, for a term to

October 1, 2001.

Special Occasion Liquor License, Camano Country Club, #071122

Having received favorable recommendations from the Sheriff and Health Department, the Board by unanimous motion voted to send a recommendation of approval to the Washington State Liquor Control Board for special occasion permit #071122, Class GJ, Camano Country Club, for October 25 event at 1243 S. Beach Drive, Camano Island.

Special Occasion Liquor License - Fraternal Order of Eagles

Due to the fact that the Board received copy of application for special occasion liquor permit on September 26, and there being no meeting of the Board scheduled between now and today, and the date of special event October 4, after favorable comments from the Sheriff and Health Department, the Chairman approved and forwarded on 9/29/97 a recommendation of approval to issue said permit for the October 4 activity.

By unanimous motion at this time, the Board ratified action taken on September 29, 1997, forwarding a recommendation of approval to the Washington State Liquor Control Board for special occasion permit for October 4 by Fraternal Order of Eagles 3418 Auxiliary, Freeland.

Resolution #C-54-97 - interlocal agreement between City of Stanwood & Island County, re: Heritage Park Recreation Complex

Lee McFarland, Assistant Director, GSA/Property Management, confirmed that the Board approved the County's participation with the City of Stanwood regarding the Heritage Park Recreation Complex in 1996. The agreement now has been approved by Risk Management and the Deputy Prosecuting Attorney, and signed by the Mayor of Stanwood.

By unanimous motion, the Board approved Resolution #C-54-97 in the matter of entering into an interlocal agreement between the City of Stanwood and Island County providing for the construction of The Heritage Recreation Complex.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

In the Matter Of Entering Into An)

Interlocal Agreement Between The)

City of Stanwood and Island County) Resolution No. C-54-97

Providing For The Construction Of)

The Heritage Recreation Complex)

WHEREAS, the County has agreed to provide funding assistance to aid in this project and the City has agreed to construct and manage the facilities; and

WHEREAS, The City of Stanwood has duly enacted Resolution No. 97-1 on September 3, 1997 authorizing then to sign the Interlocal Agreement; NOW THEREFORE;

BE IT HEREBY RESOLVED, by the Board of County Commissioners of Island County, Washington, that the Interlocal Agreement with the City of Stanwood is hereby entered into.

ADOPTED this 6th day of October, 1997.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

ATTEST:

Margaret Rosenkranz, Auditor

& Ex-Officio Clerk of the Board

Escrow papers for English Boom property purchase

The Board, by unanimous motion, approved escrow papers for English Boom property purchase, including notice of compliance with A.P.R. 12 and Closing Agreement and Escrow Instructions .

CLAIM FOR DAMAGES #97-047, JOHN & RITA CLINE

Betty Kemp, Director, GSA/Risk Management, by way of memorandum dated 9/24/97, forwarded copy of the claim filed with the County on September 5, 1997 by Mr. & Mrs. Cline, in the amount of \$2,330.64 to clear out the erosion and silt from their drainage ditch in the vicinity of Taylor Road.

Roy Allen, County Engineer, observed that the Department had never recommended approving property damage claims that resulted from an unusual storm event. This case, however, involves Taylor Road new construction/new drainage culverts. Ditch lines had not had a chance to heal, and the road shoulders had not set up. The 12/31/96 storm event caused ditch waters to jump the ditch and flood over the new pavement and recently constructed shoulder, washed out the shoulder and sent part of the shoulder material down the privately owned ditch on Clinesproperty silting in their ditch probably about 6" deep for the length of the ditch and across their garden area. Clines are not claiming any property damage to their garden, rather looking for relief to get the ditch cleaned so it will not create problems to farm or pasture lands abutting the ditch. There were some soil erosion control measures in place, but the storm pushed that aside and created the damage. On that basis, Mr. Allen recommended this claim be approved, but such approval not affect approval of other claims down stream without a thorough investigation. Mr. Allen was not aware of any other claims where the County had a construction project in the vicinity that could have acerbated the damage.

The Chairman's opinion was that the Board deny the claim, inasmuch as it is no different than others submitted to the County wherein said claims were systematically denied because the storm event was certainly out of Island County's control. He did not see how this claim was different, other than the fact there was some new construction .

Commissioner Shaughnessy stated the only reason he would be willing to entertain the claim was that he recalled on the Taylor Road project when the County halted the construction going into the winter season the County agreed with the Contractor to assume liability should anything happen during the winter with that project.

Mr. Allen believed the County assumed the responsibility to do the maintenance of the road and the ditches, but was not personally aware whether the County assumed the liability. He is recommending approval of this claim because of the construction project on Taylor Road and the fact that the shoulders had not had a chance to settle and firm up, even though compacted.

The Chair believed it important to remember whatever sediment control issues were in place, whatever responsibility the County chose to accept because of halting the work of the contractor, normal sediment control measures would never be very effective with 2' of snow and then heavy rain - sediment control measures cannot accommodate that kind of runoff. If the contractor had accepted the liability, he did not think the contractor would feel liable for this claim.

By unanimous motion, action on Claim #97-047 was continued until October 13, 1997, at 9:50 a.m., allowing an opportunity for the Board to review contract language and the liability Commissioner Shaughnessy referred to that the County accepted. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

Rita Cline commented there was damage subsequent to that storm as well and has pictures of that.

CLAIM FOR DAMAGES #97-048, KELLY M. TREGELLAS

Claim for Damages #97-048, according to Betty Kemp, filed by Kelly M. Tregellas, alleges constitutional and civil rights violation by the Island County Sheriff's Office. After an internal investigation and review, Sheriff Hawley recommends denial of the Claim, and Ms. Kemp concurred. By unanimous motion, the Board denied Claim #97-048 as recommended.

CLAIM FOR DAMAGES #97-049, PUGET SOUND ENERGY

In this case, Mrs. Kemp reported that Claim for Damages #97-049 by Puget Sound Energy was filed with the County on September 19, 1997, requesting \$6,025.96 for damage to an electrical transformer at 3598 E. French Road, Clinton, damaged June 30, 1997. Roy Allen recommended denial of the claim because the vault was completely covered and could not be seen; vault was painted green and blended in with the surroundings; vault should have been installed below ground and placed further back to within 6" of the right-of-way. Ms. Kemp concurred in the recommendation of denial.

Mr. Allen reported that a transformer had been installed within the right of way, and it was his understanding that the South Whidbey Road Supervisor had requested that the transformer be placed further up on the bank. Although PSE has indicated that a permit had been issued by the County granting permission (1986) to place the transformer closer to the road and above ground, the Department cannot find any record of said permit being granted or denied. The area where the transformer was placed is overgrown with blackberries, the transformer painted a green color and blended in with the vegetation and the mower operator did not see it, struck it and created the damage. PSE did not clear brush around the transformer that stood above the ground or mark the location on the pavement, which is normally required of utility companies having pedestals in the county rights of ways. If PSE provides a copy of a permit with the County's agreement to place the transformer in this location and above ground, it would not change Mr. Allen's opinion to deny the claim because PE has the responsibility to clear around the transformer or to mark it so the crew is aware it is there.

Based on Mr. Allen's observations and recommendation, the Board by unanimous motion denied Claim #97-049 by Puget Sound Energy.

BID AWARD – North Camano Drive Guardrail & Overlay, CRP 97-09

Larry Kwarsick, Public Works Director, presented bid award recommendation for the North Camano Drive overlay and guardrail project under CRP 97-09. Three bids were received and the apparent low bidder Lakeside Industries in the amount of \$215,343.50, the next lowest bid some \$44,000 more. Examination of that bid noted an irregularity in that Lakeside Industries failed to properly complete Subcontractors List (Page BP-13), concluding that no subcontractor will perform work exceeding 10% of the bid amount. However, a telephone conversation with that firm indicated they intend to use a subcontractor to install the guardrail. Staff considers failure to display the phrase "none proposed" as a minor irregularity and interpret that to mean that no subcontractors are proposed that would perform work in excess of 10% of the bid amount. Mr. Kwarsick recommended proceeding with bid award to the low bidder, Lakeside acknowledging the minor irregularity, and that the firm has stated they will honor the bid without a subcontractor performing work in excess of 10% of the bid amount.

Based on the recommendation of the Public Works Director, the Board by unanimous motion awarded bid to Lakeside Industries, the low bidder, under CRP 97-09 in the amount of \$215,343.50.

EASEMENT AGREEMENT – Holton Family Limited Partnership

As presented and recommended for approval, the Board by unanimous motion approved Easement Agreement between Island County and the Holton Family Limited Partnership, Parcel 509.4530; Sec. 35, T31N, R2E, for consideration in the amount of \$2,771.00, related to non-motorized trail easement associated with one of the legs of the Camano Trail connecting Cama Beach State Park area with existing State Park on Camano Island.

RELEASE OF DECLARATION OF TRUST BOND – CUNNINGHAM

Mr. Kwarsick presented the request of Glen Cunningham, SHP 45/94, for release of bond for road construction as required in SHP 045/94. Staff conducted road inspection of subject site and found all road requirements were complete and therefore recommend bond be released as requested.

By unanimous motion, the Board released Declaration of Trust Bond on behalf of Glen Cunningham, on completion of roads in Short Plat 45/094.

HEARING SCHEDULED: ORDINANCE R-57-97 – Renaming

misCELLANEOUS COUNTY ROADS - Whidbey Island

On unanimous motion of the Board, a public hearing was scheduled for October 27, 1997 at 2:15 p.m. to consider Ordinance #R-57-97, renaming miscellaneous county roads on Whidbey Island, identified in Attachment "A" of the ordinance [noticed and advertised in the newspaper].

Mr. Kwarsick reported that in response to a petition received regarding Bush Point-Smuggler's Cove Road, there have been differences within various county records in terms of where Bush Point-Smuggler's Cove road begins and ends, and differences in the way addressed as a result. The proposal as it stands brings the roadway names into sync with the way the roads have been addressed.

ACKNOWLEDGMENT OF REQUIREMENTS/RELEASE OF LIABILITY

By unanimous motion the Board approved Acknowledgment of Requirements/Release of Liability to allow Washington State Department of Fish and Wildlife to store (2) Patrol Boats at Camano Road Shop. The purpose of storing the boats at the Shop is to increase the efficient use of the boats by DOF&W law enforcement and to be available to assist search and rescue efforts.

PROJECT BRIEFING – Glendale Road and Stream Restoration

In regard to the Glendale situation, Chairman Shelton believes that something must be done soon. He understood that one of the delays has been because Fish & Wildlife has not approved the County's proposal, and at a recent Washington State Association of Counties meeting he spoke with a Fish & Wildlife Department representative to indicate that the County feels they should participate financially and even if not, should not hold the project up so as to endanger people and their property.

Mr. Kwarsick stated that Public Works' objective is to get that portion of the outfall between Humphrey Road and easterly toward its discharge, constructed this year. The project is in three phases: 1) outfall phase; 2) winterization of the stream; and 3) follow-on project for stream itself.

Dick Snyder, Construction Engineer, stated that conceptual plans were submitted for the streams and the seawall structure in late August, and had heard back verbally from Fish & Wildlife that they seem to be on track, although they have not formally approved it. Staff has heard with respect to the seawall that DOF&W does not want any structure beyond the seawall, but County design people feel there will have to be something projecting out into the bay to

prevent the erosion occurring. The stream is being pushed back against the toe of the seawall and causing erosion underneath; footings are exposed, and riprap is needed as a temporary measure if not allowed to build permanent structure. The DOF&W approval is needed for the proposed winterization project and channel, and also for

permanent work, particularly from Humphrey Road out to and through the seawall. He would like to see some construction if DOF&W approval can be obtained and a permit, for Humphrey Road on out to the seawall; if not, he foresees some expensive winterization. With regard to the canyon above the community going West, a retaining structure is being designed to take care of the slide for Glendale Road. He understands there is a petition being circulated in the community to keep the road closed, with gates to allow emergency access only. To open that road the major expense will be the retaining wall; the rest of the road can be opened up with day labor project and without major expense. As far as Humphrey Road itself, the drainage project is well under way, probably about 10 - 12 working days left on the contract. The Contractor is to be on the job tomorrow to do final blading and shaping, bring in base coarse with paving to occur Thursday if weather holds. Once that is completed, the drainage work can continue, and in about two weeks, Humphrey Road repaired and drainage project almost completed.

Chairman Shelton was on site Tuesday and was not impressed with the quality of work the contractor has done, and observed that something should be done since catch basins are right at the toe of the bank and there is a vertical bank left. The road project has a deep spongy feeling to it. Mr. Synder acknowledged that would have to be cleaned out and revegetated, and at the bottom of the hill where cut is has to be backfilled with large riprap. The road was better on Friday [there was bad weather when digging it out]. Mr. Synder was asked by Chairman to call the Fish & Wildlife representative today about this matter.

PUBLIC HEARING SCHEDULED: COMMUNITY DEVELOPMENT

BLOCK GRANT (CDBG) APPLICATIONS

The Board, on unanimous motion, scheduled a public hearing for October 20, 1997 at 10:30 a.m., regarding the County's proposed submission of a community development block grant to the State of Washington's Department of Community, Trade and Economic development. The purpose of the hearing is as follows: (1) review information about the range of activities that may receive CDBG funding, including community facilities, economic development projects, housing, and public facilities, all of which must principally benefit low-to-moderate income citizens and about how to propose projects; (2) respond to proposals for, and questions about, community development and housing needs in the county; and (3) inform citizens about identified projects that are county priorities and applications being considered.

WATER SERVICE AGREEMENT: Camano Hills Water System and Island County for water supply to the County Camano Annex

Mr. Kwarsick presented Water Service Agreement between Camano Hills Water System and Island County for water supply and service to the County's Camano Annex, discussed in staff session with the Board previously. The agreement now in its final form, has been reviewed and approved by risk management and the deputy prosecuting attorney. Last week the Department received notification that the State Department of Health approved Camano Hills Water System expansion to serve Island County Annex and the Camano Plaza Shopping Center. Therefore, Mr. Kwarsick recommended the Board authorize the Chairman's signature on the original document once signed and returned by the purveyor.

By unanimous motion, the Board approved the Water Service Agreement between Island County and Camano Hills Water Company, authorizing the Chairman's signature once original document signed and returned.

Application for Open Space Timber, Ron Fein - HEARING SCHEDULED

The Board of Island County Commissioners received this date from the Auditor, application OT-4-97 by Ron Fein, for Timber Land classification 20 acres, Parcel #R33220-363-2000, on Camano Island approximately 4 miles west of Stanwood. By unanimous motion, the Board scheduled the public hearing for November 24, 1997 at 2:45 p.m.

Affiliation Agreement, HD-10C-97 between Island County and University of Washington School of Nursing (Bothell Campus)

The Board by unanimous motion approved Affiliation Agreement #HD-10C-97 between the University of Washington, Bothell Campus, and Island County Health Department, an to provide a training site for student nurses at the Island County Health Department.

HEARING HELD: OPS-359-97 and OPS-360-97 (OT-2-97 and OT-3-97), Sam Tay

A Public Hearing was held as scheduled and advertised at 10:45 a.m. for the purpose of considering Applications OPS 359/97 and OPS 360/97 by Sam Tay, owner, to transfer 20 acres of classified or designated Forest Land to current use classification of Timberland, on Parcels #R23335-310-4680 and #R23335-350-4680, located east of Oak Harbor on Strawberry Point Road.

Matt Nash, Senior Planner, provided the Island County Planning & Community Development staff report. Applicant is requesting two 10 acre lots be changed from Designated Forest to Open Space Forest. It is Mr. Nash's understanding that the reason for the request is to have the ability to market the lots separately. When lots are in contiguous ownership, the Assessor's Office considers that to meet the accumulative acreage. No comments have been received from the public on the proposal. The Assessor's Office provided verbal indication that the property is already in designated forest and therefore there will be no shift of taxes with approval of the Open Space Applications.

Timber land is a term the Assessor's Office uses to describe what the property is being used for and helps with assessment. The designated classified or open space forest classification are current use classifications, i.e. the Assessor actually reduces taxes based on those classifications. It is important not to confuse the zoning with the tax classification designations. The tax classification is a criteria when determining under the old zoning code or current efforts with the Comp Plan, to help determine whether or not a piece of property should be zoned forest management or not. Once the property is in a particular tax classification does not affect the zoning at all; it is still in a forest taxation program. From Mr. Nash's Staff Findings, Analysis, Conclusions and Recommendation, Staff recommendation is approval for OPS 359/97 and 360/97 with the condition that all future forest practices activity on the subject property shall be consistent with the submitted Forest Management Plan and with the Washington Forest Practices Regulations, RCW 76.09 and WAC 222, and consistent with RCW 77.12.655 and WAC 232-12-292, Bald Eagle Protection Rules.

No comments were made from members of the public at this time, either for or against said applications. Applicant was not present.

By unanimous motion, the Board approved applications OPS 359 and 360/97 as recommended.

PRELIMINARY APPROVAL - Site Plan Review SPR 106/97, NEXTEL

Erika K. W. Jensen, Associate Planner, presented recommendation of approval for SPR 106/907 by Nextel Communications for communications tower on a 20 acres, Parcel #R32908-060-3470, located west of Crawford Road and Hwy 525, South Whidbey, property owned by Ray and Laurie Gabelein. The property is zoned Forest Management and a cellular communication tower is considered a utility, an institutional use. The Hearing Examiner recommended conditional preliminary site plan approval, subject to conditions as outlined in his Findings of Fact, Conclusions of Law and Recommendation dated September 18, 1997, after hearing held on September 4, 1997. Based on those conditions, Ms. Jensen reported that staff recommends approval as recommended by the Hearing Examiner.

By unanimous motion, the Board concurred and granted preliminary approval of Site Plan Review

#106/097 as recommended by the Hearing Examiner.

APPEAL #418/97 SCHEDULED FOR PUBLIC HEARING:

Appeal of Hearing Examiner's approval of Binding Site Plan #021/96 - Camano Commons (David Platter), a 20-lot

commercial project on parcels R33220-050-1350 / 080-1300 / 085-1790 & 093-2240, located west of intersection of N. Camano Drive and SR 532 on Camano Island, was scheduled by unanimous motion of the Board for public hearing on October 20 @ 1:30 p.m. Application SPR 021/96 by ACCRUE, was approved by the Hearing Examiner following an open record hearing on Camano Island. Under the 1995 amendments to the Growth Management Act, the appeal of the Hearing Examiner's decision must be conducted based solely on the record before the Hearing Examiner, and testimony, if any, will be limited to evidence and facts already in the record and only appeal argument will be permitted.

FINAL APPROVAL - Amended Plat of Woodlands PRD

Ms. Jensen presented recommendation of final approval for the Amended Plat of Woodlands PRD, a 9-lot PRD amended to 10-lot subdivision, located on Maxwellton Road, South Whidbey Island, Parcel #R32922 and #R32927. The project was granted conditional preliminary approval on June 26, 1995 and still meets all PRD requirements. The application for PRD was reviewed by Island County staff and all conditions of preliminary approval have been met and County staff recommends the

Board grant final PRD approval. Everyone in the plat agreed and signed the mylar for the community association agreeing to create the 10th lot.

By unanimous motion the Board granted final approval for the amended plat of Woodlands PRD as recommended.

Presentation "Business Recruitment & Retention Plan"

John Hitt, Executive Director, Island County Economic Development Council (EDC), appeared before the Board to present the Island County Business Recruitment & Retention Action Plan approved by the EDC Board of Directors on September 18. The focus of the report gives credence to the North Whidbey Community Diversification Action Plan and also focuses heavily on business retention and expansion. EDC conducts a variety of activities in the area of business retention, such as the Uniquely Whidbey Trade Fair. Island County clearly has a lower amount of internal jobs available to citizens [non military], than any other county in Washington State its size, and reaps the lowest business tax revenues. Island County wages are significantly below the Washington State average (about 20% below). Businesses are a major contributor to tax revenues, provide jobs for local citizens, and provide a real service to the community.

The number one need of a successful business recruitment program is clearly designated and zoned areas where business activities can occur. EDC submitted 1-1/2 years ago to the Planning Commission a business zoning study and if the recommendations of that study are adopted will go a long ways to meet that need. A permitting process meeting State standards of responding to permit applications is needed. A target recruitment program should be developed to work with existing businesses and locate a very defined target list of businesses that already have established business connections with those already in place. Once that list has been completed, programs need to be developed to reach out to those businesses as a community representing Island County. It is believed appropriate that some annual surveying of the business community be done to find out needs, concerns and issues. More entrepreneur training should be done. An up-to-date commercial lands and buildings inventory is needed, and the public and governmental staff need more education as to the benefits businesses bring to the community. EDC believes it is appropriate to consider forming a public corporation, an agency that can buy land, develop land and sell & lease land, and would work with Island County and the three cities.

Mr. Hitt noted that the Plan includes a budget developed for a two year program, for a total of \$33,200. For consideration, Island County's share is proposed as: \$7,500 for 1998 and \$8,000 for 1999.

Executive Session

The Board met in executive session at 11:30 a.m., as provided under RCW 42.30.110(1)(i), to discuss with legal counsel pending litigation. The Chairman announced that the session would last approximately one-half hour and there

would be no announcement at the end of the session.

There being no further business to come before the Board at this time, the meeting adjourned at Noon, to meet next in Regular Session on October 13, 1997, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

Attest:

Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board