

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - OCTOBER 20, 1997

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on October 20, 1997, beginning 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 from the special session held on September 23, 1997 were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #12990 - #13128.....\$ 367,266.38

Veterans Assistance Fund: [V97-39, meeting place rent] \$ 150.00.

Human Resources

Dick Toft, Director, Human Resources, presented for Board action, with summary of each, six personnel action authorizations. The Board by unanimous motion approved the following:

<u>DEPT.</u>	<u>PAA #</u>	<u>DESCRIPTION</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>
Commissioners	110/97	Dept. Asst-Camano .25 FTE, Position #608	Replacement	10/20/97
Sheriff*	109/97	Deputized Off. Position #4014.31	New Position	1/1/98
Sheriff	107/97	Corr. Officer Position #4015.10	Replacement	10/29/97
Sheriff	106/97	Cook .5 FTE Position #4023.03	Replacement	10/20/97
Public Works	108/97	P.W. Manager Position #2503	Reclassification	10/20/97
Assessor	105/97	Dept. Sp Admin Position #110.00	Replacement	10/20/97

*PAA #101/97 10/13/97 approval withdrawn and position #4015.15 deleted from current positions in the Jail [see BOCC letter 10/8/97].

WSU EXTENSION SERVICES BEACH WATCHERS GRANT AGREEMENT

Don Meehan, WSU Extension Agent, presented for approval CZM 306 Grant Agreement # G9800048 (Coastal Zone Management) between the State Department of Ecology and Island County for 1997-98 Beach Watchers Volunteer Training Program, in the amount of \$28,500. The Agreement was reviewed and approved by Risk Management and the Deputy Prosecutor's Office, with corrections made as requested. At this point, this appears to be the last such grant through this particular funding source.

By unanimous motion, the Board approved and signed Grant Agreement #G9800048 with the State Department of Ecology.

CLAIM FOR DAMAGES BY TRACI D. PEDERSON

Betty Kemp, Director, GSA/Risk Management, presented recommendation in the matter of Claim for Damages #97-046 by Traci D. Pederson, alleging County negligence pertaining to water runoff onto their property November of 1995. A Grading Permit obtained by the Pedersons issued March 27, 1995, contained conditions spelling out the problems with the lot located in Sunrise Hills, Division #3, Lot 30. Condition #14 states that the "Applicant is responsible for the control of runoff entering and leaving subject lot as well as from new impervious surfaces such that no nuisance or hazard occurs to downslope properties" and Condition #17 provides that "Applicant clearly understands that building adjacent to a steep slope involves a risk of property damage under conditions of severe slope failure".

Commissioner McDowell thought that even more germane than the conditions placed on the grading permit was the fact that the face of the plat states that lot owners shall be prohibited from blocking, diverting, or restricting any natural or constructed drainage course following reasonable grading of roads and ways thereon.

Commissioner Shaughnessy moved denial of Claim #97-046. Motion, seconded by Commissioner McDowell, carried unanimously.

[Note: see Public Input comments below by Steve Pederson and subsequent action of the Board at the end of the meeting]

Claim for Damages 97-050, Joel Mami

Claim for damages filed with Island County on September 19, 1997, related to alleged accident at the intersection of Troxell Road and Baker View Lane, and claiming \$1,113.53 damages to vehicle. In this case, Mrs. Kemp reported after investigation of the claim, she found that claimant was driving on Troxell Road and she believed he got confused with the warning sign making a severe right on the way to Ala Spit. Claimant alleges he spun out of control because of gravel on the road. Claimant did not file an accident report and Mrs. Kemp advised him that he should do so. Rick Norrie, Island County Traffic Safety Officer, looked at the photographs showing the slide marks and it was his opinion that Mr. Mami probably tried to make the turn he thought was Troxell Road but was actually turning on Baker View Lane and did not make the 90 degree turn. Mrs. Kemp drove the road about two weeks' ago and drove 35 mph; if expecting that was Troxell and stay on the road at those speeds, she determined that the person could not stay on the road at that speed. The recommendation to the Board was to deny the claim.

By unanimous motion, the Board denied Claim for Damages #97-050 by Joel Mami.

Public Input or Comments

Rhonda Steel, Director and John Lewis, Program Manager, Partnership with Youth, Oak Harbor, presented a Certificate of Appreciation to the County Commissioners for their support and help with the PWY grant

application with Community, Trade and Economic Development. PWY received the planning grant in the amount of \$35,492. Commissioner McDowell received special thanks for his time spent on the PWY board. Commissioner McDowell noted that PWY held their first board meeting in the new facility at the Roller Barn; PWY now moved in and the project moving forward nicely.

Steve Pederson, 4387 N. Tea Rose Court, Oak Harbor, spoke with respect to the Claim for Damages he and his wife filed, the Board having denied same earlier this morning. He explained that before building his house, he had plans drawn up and met with Marv Koorn, Oak Harbor Road Supervisor, who surveyed the situation and saw where the culvert should be positioned on Jones Road where a pipe runs across Jones road and discharges near a drain area on Mr. Pederson's property. Establishing a culvert in that area would allow him to tight line a 10" ABS drain pipe to that culvert and take care of all overflow.

Mr. Pederson drew up the plot plan, submitted same and the County approved it with his 10" pipe connecting into the County's culvert. During construction he kept in touch with Mr. Koorn and reminded him about the need to put the culvert in and that his pipe was laid out and ready to tight line in a culvert or the pipe in case the rain should come. Nothing happened until finally there were some big problems: the porch about to be torn off the house; a terrific mud slide coming down the hill because the water shot out of the culvert or drain pipe under Jones Road. He called and asked Mr. Koorn to let him tight line his pipe into the drain pipe to stop and to divert this water, but Mr. Koorn indicated that Mr. Pederson could not do that, rather was something the County would have to do.

The water continued to run. Mr. Pederson hired a crew to come in and divert the water. As it ran down hill the water was hitting the back of his house and undermining drain footers, plugging them up, knocking off the drainage system connected to the house, flowed onto the porch, washed out footers and eventually eroded a concrete retainer wall that caved into the house smashing the door, lower windows and sidings, and overflowed and washed out the driveway, ran down hill and dumped approximately two dump truck loads of mud on a neighbor's lawn. After three hours, he called the Fire Department for help, but it turned out they could not do so. The Road Department sent road crew representatives out to look at the situation but could not help either because of other more pressing jobs. Mr. Pederson took care of the problem and finally got the water diverted going down hill. After the water subsided, Mr. Koorn did not appear for another month or so to finally take care of this situation; finally sending a road sweeper and front end loader to scoop up the mud down hill about 300' and emptied into Krieg Lane; they cleaned up that mud but would not clean up

the mud that went on the private roadway connecting his home with two neighbors because the County could not go on private property. Mr. Pederson made the contention to Mr. Koorn that the mud and water was from the County because the County had not connected that drain pipe and would not allow Mr. Pederson to do so. Mr. Pederson had to hire the clean up work done. Two days' later he went ahead and put the pipe into the drain pipe on Jones Road by putting a innertube around 10" ABS sticking it inside the pipe going under Jones Road and inflating air into it. If he had been allowed to do that in the beginning, Mr. Pederson believed there would have been no problem.

Mr. Pederson referred to the water damages that occurred in the back of his house, noting he has a 13' retainer wall going down to the basement. The footer drains were all plugged up and he had to excavate all that dirt 13' down, which could not be done for 8 months until the following dry season. He had expected no problem getting financial support from the County since it was so obvious there had been a bad judgment call that allowed this to take place. Mr. Pederson believes the County is liable because the County fulfilled an agreement with him by signing his plan. Jones Road, has a pipe going underneath it and that pipe is supposed to have a catch basin at the end of it so he could take his drain pipe and put it into the County catch basin, and again he pointed out that his pipe had been laying on the hill ready to install for probably six months. At any point that pipe could have been installed, but it was not. The "agreement" he referred to is the plot plan. He was told he had to engineer a plot plan showing the drain easement tying into that, which he did, and has an approved copy of same. He showed a copy of same to the Commissioners, which the

Commissioners did not believe was made available in the information packets for today's meeting. Mr. Pederson agreed to supply the Board with a copy of the approved plot plan, along with letters to Marv Koorn, letter 6/3/96 from Mr. Pederson to Mark Koorn and Lew Legat, and letter dated 7/11/96 from Farmers Home Group to Eric N. Wagner Insurance, Inc., Mt. Vernon.

Follow-up: the Board asked that Betty Kemp be provided a copy of the items Mr. Pederson provided today, and that a transcript be prepared and forwarded to Ms. Kemp as soon as possible.

Special Occasion Liquor Permit - Whidbey Dance Theatre

Having received favorable recommendations from the Sheriff's Office and Health Department, the Board by unanimous motion approved forwarding a recommendation of approval to the Washington State Liquor Control Board for special occasion liquor permit by Whidbey Dance Theatre for a November 1 fund-raiser boat cruise.

Resolution #C-55-97 - Cancellation of Warrants

As provided in RCW 39.56.040, and per proposed resolution forwarded by the Auditor, the Board by unanimous motion adopted Resolution #C-55-97 in the matter of cancellation of warrants not presented within one year of the issue date.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF

CANCELLATION OF WARRANTS RESOLUTION C-55-97

WHEREAS, RCW 39.56.040, provides for the cancellation of warrants not presented within one year of the issue date, and

WHEREAS, the warrants listed in Exhibit A have not been presented for payment and have been outstanding for more than one year, or the issuing fund or department has requested the cancellation, and

WHEREAS, effort to contact the recipients have not resulted in presentation of the warrants, or an affidavit to request issuance of replacement warrants, and

WHEREAS, the warrants listed in Exhibit B have not been presented for payment and the County Treasurer has requested the cancellation of said warrants because the Wells Fargo Bank account upon which said warrants were issued has been closed, *NOW THEREFORE*,

BE IT RESOLVED, that the warrants listed in *Exhibits A and B are canceled. The County Auditor and County Treasurer, by copy of this resolution, are directed to take action to transfer all records of such warrants so as to leave the funds as if such warrants had never been drawn.

ADOPTED this 20th day of October, 1997.

Board of County Commissioners

Island County, Washington

Mike Shelton, Chairman

ATTEST: Mac McDowell, Member

Margaret Rosenkranz, Auditor Tom Shaughnessy, Member

& Ex-Officio Clerk of the Board

*(Exhibits A & B on file with the Island County Auditor)

Resolution #C-56-97 - Setting Wages for Precinct Election Officers

Last week, the Auditor presented a proposed resolution to set the wages for precinct election officers at \$5.15 per hour, the 9/1/97 Federal Minimum wage. The Board at that time held the matter for further review and action this date, with the Auditor to provide additional information. At this time, Mrs. Rosenkranz provided the following information:

RCW 29.45.120 Compensation

"...not less than the minimum hourly wage per hour as provided under RCW

9.46.020...the exact amount to be fixed by the respective boards of County

Commissioners for each county."

By unanimous motion, the Board adopted Resolution #C-56-97 amending Resolution #C-04-94, setting wages for precinct election officers.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF SETTING WAGES) RESOLUTION C-56 -97

FOR PRECINCT ELECTION OFFICERS) (Amending Res. C-04-94)

_____)

WHEREAS, on election day each polling place in Island County requires the assignment of judges and inspectors to perform the important duties assigned them in connection with the receipt, deposit and count of ballots cast at each election; and

WHEREAS, RCW 29.45.120 provides: 1) the wages of judges of elections shall be set by the board of county commissioners at an hourly rate not less than the minimum wages as established by RCW 49.46.020. 2) The salary of the inspector of elections shall be the same as judges plus two additional hours of compensation and 3) additional compensation for pickup and delivery of election materials will be paid as provided by the board of county commissioners; and

WHEREAS, the Federal minimum wage was raised to Five Dollars and Fifteen Cents (\$5.15) per hour beginning September 1, 1997; and

WHEREAS, the number of hours required to perform election day duties by election officers is considered to be fourteen hours, **NOW, THEREFORE**,

BE IT HEREBY RESOLVED that the wages for judges and inspectors of elections shall be set at

Seventy Two Dollars and Ten Cents (\$72.10) per day, and Eighty Two Dollars and Forty Cents (\$82.40) per day respectively. The person picking up and returning election materials shall receive Five Dollars (\$5.00) as additional compensation for that duty.

ADOPTED this 20TH 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

HEARING SCHEDULED: Ordinance #C-57-97 to Increase
the Pay of the Elected Coroner

By unanimous motion, the Board scheduled Ordinance #C-57-97 for public hearing on November 3, 1997, at 9:45 a.m., a proposal to increase the Coroner's salary effective January 1, 1998.

HEARING SCHEDULED: ORDINANCE #C-58-97 - AMENDMENTS
to Island County Fair Association Provisions

Before the Board was a proposal to amend Island County Code, Chapter 2.20A.020.A, qualifications of Fair Board Appointees of Board of County Commissioners and 2.20A.020G, location of Island County Fair Association, Inc., meetings, proposed to be amended as follows:

2.20A.020.A

The Fair Association Board of Directors shall consist of eleven (11) positions/
members, three (3) of which shall be appointed directly by the Board of

Commissioners from residents of the three respective Whidbey Island School
Districts. ~~Appointed directors need not be members of the Fair Association.~~

Appointed directors must already have been members of the Island County Fair
Association for six (6) months and must have attended at least three (3)
meetings in the last Fair Association year. Initially the South Whidbey appointee

shall be appointed for one (1) year, the Central Whidbey appointee for two (2) years and the North Whidbey appointee for three (3) years. Subsequently said terms shall be for three (3) years each.

2.20A.0-20.G

All ~~Regular~~ membership meetings of the Island County Fair Association, Inc. ~~and its designated "Annual Meeting" shall be held in Coupeville; except that up to six (6) of said regular meetings per year may be approved by said membership to be held at the Island County Fairgrounds or other appropriate location as necessity dictates~~ will be held May through September at the Island County Fairgrounds, then alternate being held in Coupeville every other month (October, December, February and April) and all remaining meetings being held at the Fairgrounds. Public notice (with available agenda) of all regular meetings of the Fair Association shall be provided during the week preceding the date of said meetings.

Commissioners McDowell and Shaughnessy did not support the proposed change to ICC Section 2.20A.020.A, but agreed they would be willing to consider at public hearing proposed changes to ICC Section 2.20A.020.G.

By unanimous motion, the Board scheduled a Public Hearing on November 10, 1997, at 11:30 a.m., to consider Ordinance #C-58-97, Amendment to ICC 2.20A.020.G, location of Island County Fair Association, Inc., meetings.

CONTRACT and PERFORMANCE BOND - LAKESIDE INDUSTRIES.

NORTH CAMANO DRIVE GUARDRAIL AND OVERLAY PROJECT

Larry Kwarsick, Public Works Director, requested the Board accept on behalf of Island County the Performance Bond, and execute the Contract, with Lakeside Industries, under CRP #97-09, North Camano Drive Guardrail and Overlay Project, per bid awarded last Monday, once both original signed documents are in hand. According to Dick Snyder, Construction Engineer, the contractor will not be given letter to start project until said contract is received and signed.

By unanimous motion, the Board authorized approval of and signature on the Performance Bond and Contract with Lakeside Industries, once both original signed documents are received from the Contractor.

TERMINATE PROFESSIONAL SERVICES CONTRACT-

HLB pPROPERTY SERVICES

Mr. Kwarsick recommended termination of Agreement for Professional Services with HLB Property Services, per Contractor's written request. The services provided under the agreement are associated with right-of-way and real property acquisition. The Contractor is now employed with Puget Sound Energy. Mr. Snyder advised that the Department had almost completed review and evaluation of new submittals by interested consultants and probably would conduct interviews next week, anticipating to have one or two contracts to provide these services.

By unanimous motion, the Board terminated Professional Services Contract with HLB Property Services.

(1) RESOLUTION #C-59-97 CITIZEN Participation Strategy for Community DEVELOPMENT Block Grant (CDBG) Funding in Island County, AND (2) PUBLIC HEARING REQUIRED PRIOR TO SUBMISSION OF CDBG APPLICATION(S)

Mr. Kwarsick requested that the Board approve Resolution #C-59-97 in the matter of adopting a citizen participation strategy for CDBG funding. This strategy is a prerequisite for submittal of block grants for eligible projects, and contains 7 components:

- 1) Public Hearing to discuss the range of activities that receive CDBG funding, respond to proposals and questions about community development and housing needs and to inform citizens of Island County about any proposed uses of block grant funds.
- 2) Announcement of the availability of funds, requiring in addition to public notice, preparation of fact sheet.
- 3) Responding to requests for assistance within the limitations and resources for Island County, provide some information, assistance and guidance to individuals who may be seeking community block grant funding.
- 4) Review of community development and housing plan which entails, in part, activity that is currently under way under the Growth Management Act.
- 5) Provide opportunities to comment on proposals once a proposal has been selected and developed to provide citizens with an opportunity to review and comment on a proposal.
- 6) Provide an ongoing participation process in the event that a submittal is funded and a project under way to provide citizens with an opportunity to comment on the project before completion of the project.
- 7) Grievance procedure consistent with requirements of the block grant program.

Commissioner McDowell asked that as relates to Item #2 above, a fact sheet be mailed to Partnership with Youth and the Oak Harbor Senior Center.

By unanimous motion, the Board adopted Resolution #C-59-97, Citizen Participation Strategy for Community Block Grant funding in Island County.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF A CITIZEN)	
PARTICIPATION STRATEGY FOR)	RESOLUTION NO. C-59-97
COMMUNITY DEVELOPMENT BLOCK)	
GRANT FUNDING IN ISLAND COUNTY)	

WHEREAS, Island County has previously sought and may continue to seek Community Development Block Grant (CDBG) funding from the State of Washington's

Department of Community, Trade and Economic Development; and

WHEREAS, Island County will involve citizens in a process leading to the determination by the Board of County Commissioners that a request for CDBG funds is appropriate and represents the County's highest priority CDBG eligible project; and

WHEREAS, the County will follow a Citizen Participation Strategy each year before the County considers a possible CDBG application and after receiving any CDBG funding; and

NOW THEREFORE BE IT HEREBY RESOLVED that the attached Island County Citizen Participation Strategy for Community Development Block Grant Funding (Attachment A) is hereby **ADOPTED** this 20th day of October, 1997.

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

Funding, Grievance Procedure

PUBLIC HEARING

A Public Hearing was held on Island County's proposed submission of a Community Development Block grant to the State of Washington, Department of Community, Trade and Economic Development, as scheduled and advertised for this date and time. The purpose of the hearing was to take input from the community relative to community needs relating to eligible block grant program activities.

Mr. Kwarsick explained this is a competitive federal funding program for a broad range of projects, with general purpose grants available in five categories: 1. Housing; 2. Economic Development; 3. Community Facilities; 4. Public Facilities; and 5. Comprehensive [includes at least two of the first 4]. All projects funded by the CDBG must meet one of three national objectives: (1) principally benefit persons of low income; (2) prevent or eliminate slums or blight; (3) meet urgent community development needs which pose a serious and immediate threat to public health or safety.

Eligible applications can be funded up to \$750,000. Past applications for Island County community clinics were funded up to 1/2 million dollars. Cities and towns with a population of less than 50,000 or counties with a population of 200,000 or less, are eligible to submit applications. The next due date for applications is November 14, 1997. In terms of Island County the low-to-moderate income means [related to a family of 4]:

low income = 27,550/year; moderate = \$43,500/year.

Marla Ries, Executive Director, Camano Senior Services Association, Camano Island, requested Island

County recommend its support for a CDBG for partial funding of a community senior center on Camano Island. The request was based on need for a community center established by a pilot mobilization project which the Island County Health Department is in the process of developing, and based on the limited space that exists at the Camano Center at this time. The Center can no longer accommodate the needs of the senior population nor the community on Camano Island. Because of that many of the needs of seniors are not being met because the services cannot be provided. To be added to the proposed facility, would be an adult day care 5-day a week facility which is not now available on Camano Island. The need is such that many older people with spouses in some sort of stage of dementia end up leaving Camano Island because there is no facility to help the family. CSSA raised over \$220,000 to date to help fund this project.

Suzana Dentel, Island Opportunity Council, attended the hearing to listen and see if the program fit in with what they are doing as far as future proposals related to some of the strategies created in the Island County Continuum Care Project . Several strategies have been created and in terms of a block grant proposal, she thought probably the most relative component of the Continuum Care process would be the housing component. In the 5 year strategies the three housing components are:

- 1) emergency shelter for special needs populations, such as youth, domestic violence and chronically mentally ill;
- 2) transitional housing for adults, youth and families through housing leased by service providers and coordinated with critical support services to the homeless for a period of up to 24 months;
- 3) permanent affordable rental housing through small project based structures and scattered site rental assistance coordinated with appropriate services as necessary.

At this point, Ms. Dentel did not believe the Council would submit a grant for this funding cycle because of the very tight timeframe, but for the future, suggested these other issues be considered.

Mr. Kwarsick confirmed that future public hearings would be scheduled so that people such as the Opportunity Council, and others, could provide input to the Board that matches the grant submittal cycles. The County is only able to submit one grant in this cycle, and in view of the fact that it is unlikely the housing component of the Continuum Care grant would develop to the point of being able to submit a grant, the priority would appear to be the proposal that has matching funds available and will have a grant prepared in time to meet the submittal date.

There being no others indicating a desire to provide input, the hearing portion was closed.

By unanimous motion, the Board adopted the Camano Senior Services Association proposal as the priority for Island County for this year's CDBG grant funding.

Mr. Kwarsick advised that the application would be in draft by November 4, and will be available to the community on Camano Island for review. If the project is submitted and funded, during the course of the project itself there will be a public hearing on Camano Island to take input relative to implement of the project itself.

RESOLUTION #R-59-97 AUTHORIZING CALL FOR BIDS FOR 2 ARTICULATED FRONT END BUCKET LOADERS, AND SETTING DATE TO RECEIVE BIDS

A proposed resolution was presented for Board approval to authorize call for bids for 2 articulated front end bucket loaders and setting November 6, 1997, at 1:00 p.m. as the time to receive bids. This issue was discussed last week with the Board during Staff Session. The proposal is to replace two existing loaders, one in Coupeville and Camano Road Shops.

Commissioner McDowell recalled the Board had not been completely convinced this was the best thing to

do, but agreed to see what prices could be obtained for said equipment but that prior to making any decision, the Board wanted to compare the price of a new machine versus repairing existing machines.

Chairman Shelton was aware of the condition of the front loader at the Coupeville Shop and definitely believed it needed to be replaced, whether new or used, his opinion was it needed to be near new.

Jack Taylor, Maintenance Superintendent, reported the current equipment status to be as follows:

Camano Shop	1979 CAT	5393 hours
Coupeville Shop	1980 Fiat Allis	4416 hours

Even to repair the old worn out equipment, there is no guarantee that the engine or another part would not fail in the future. Specifications for new machines includes the stipulation that used units need to be under 1500 hours and no more than 3 years old.

The Board, by unanimous motion, adopted Resolution #R-59-97 authorizing call for bids for 2 articulated front end bucket loaders, bids to be received November 6, 1997, at 1:00 p.m.

S T A T E O F W A S H I N G T O N

C O U N T Y O F I S L A N D

IN THE MATTER OF APPROVING }

SPECIFICATIONS & AUTHORIZING }

CALL FOR BIDS FOR: } RESOLUTION #R-59-97

TWO 2)NEW OR USED ARTICULATED }

FRONT END BUCKET LOADERS }

WHEREAS, sufficient funds will be available in the ROAD/E.R.& R. FUND for the purchase of:

TWO (2) NEW OR USED ARTICULATED FRONT END BUCKET LOADERS.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Specifications and bid documents, are approved as written, and the County Engineer is authorized and directed to call for bids for furnish-ing Island County with said equipment; BID OPENING to be the 6th day of November, 1997 at 1:00 p.m., in Public Hearing Room #3, Courthouse Annex, Coupeville, Washington.

ADOPTED this 20th day of October, 1997.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Tom Shaughnessy, Member

Wm. L. McDowell, Member

ATTEST:

Island County Auditor &

Ex-Officio Clerk of the Board

ResOLUTION #R-55A-97 (amending # R-29-97, CRP 97-05)

Humphrey Road RECONSTRUCTION

The Public Works Director presented a resolution to increase the total appropriation with regard to Humphrey Road Reconstruction, from \$79,000 to \$115,000, to reflect all change orders and project administration increases approved by the Board at prior meetings (Amends R-29-97, CRP 97-05, W.O. 237).

Roy Allen, County Engineer, stated that the original CRP was \$79,000, and included \$25,000 for geotechnical and engineering plans, specs and investigation, \$50,000 for construction, \$4,000 contingencies. During excavation work it was necessary, in order to keep traffic flowing, to add crushed material, an additional change from standard ballast and crushed of 1' depth to a material 5/8" for binding purposes. Additionally a change order is being presented today in the amount of \$15,603.00 to excavate and haul off site material from slope and construct a rock retaining wall. The construction is to be accomplished by contract and the project is made a part of the officially adopted annual road program a Item #24, emergency repair.

By unanimous motion, the Board approved Resolution #R-55A-97 initiating CRP 97-05 (A), W.O. 237, Humphrey Road.

Change Order No. 6 - Humphrey Road reconstruction: WO 237

By unanimous motion, the Board approved Change Order #6, Humphrey Road Reconstruction project under work order #237, increasing Contract by \$15,603.00, to add the following work to the contract: excavate & haul off-site material from slope that encroaches upon proposed area of storm drain line and construct a rock retaining wall.

GMA Grant - Funds to be applied toward completion of Comprehensive Plan,
Development Regulations, UGA and

Joint Planning Agreements and Sub-Area Plans

By unanimous motion the Board approved Growth Management Act grant, with the funds to be applied toward completion of the Comprehensive Plan, Development Regulations, UGA and Joint Planning Agreements and Sub-Area Plans. Grant includes an in-kind match of \$185,750 in salaries, benefits and administration, for a total grant of \$41,047.

Closing Papers for Morris (English Boom) Property

As presented by Lee McFarland, Assistant Director, General Services Administration, Property Management Division, the Board by unanimous motion accepted and signed final closing papers for acquisition of Morris Property known as "English Boom", including Estimated Closing Statement, statutory warranty Deed, Excise Tax Affidavit and Supplement to the closing Agreement and Escrow Instructions, for the actual amount of \$80,226.80.

Financial Reports

Treasurer: Current & YTD Cash Report; County Investment Report & Status

Maxine Sauter, Island County Treasurer, provided a brief summary from her written report provided under cover Memo dated October 14, 1997, for the period ending September 30, 1997, Cash Receipts/Budget-Current Expense Year to Date, Statement of Cash Operations and footnotes to Treasurer's financial report. The status at this time is fairly close to target (75%). Those few revenues appearing to be under target included, Weed Control, Coroner, Maintenance, Jail. Property tax will adjust after the 10/31/97 tax collection period, and liquor excise tax will be received towards the end of the year. As far as Treasurer's investments, some \$61,700,000 is invested all with banks and government pool.

Auditor: Monthly Review of Revenues and Expenditures

Margaret Rosenkranz, Auditor, had no "alarms" to alert the Board to based on this report.

For the most part, expenditures showing over target will be taken care of by adjustments later in the year to show transfers that were approved from Commissioners' Contingency.

Puget Sound Water Quality Action Team: LOCAL Priorities
for Protection of Puget Sound

Joan Drinkwin and Kevin Anderson, Puget Sound Water Quality Action Team (PSWQAT) appeared before the Board to discuss the current work plan for Puget Sound Water Quality and the next plan, as well as review the Commissioners' perspective in terms of local priorities for protection of Puget Sound.

County Staff Attending: Larry Kwarsick, Public Works Director; Tim McDonald, Health Services Director; Joye Emmens, Environmental Health Director; Dave Bonvouloir, Solid Waste Manager; Julie Buktenica, Surface Water Manager; Janet Kearsley, Watershed Project Assistant.

Handouts Provided: Today's Agenda; Fact Sheet on Puget Sound Water Quality Work Plan; Identified Island County Water Quality Issues for the 1997-99 Plan; Actions in Island County; and Public Process for Next Work Plan.

Ms. Drinkwin commented that the Action Team was directed by the Legislature to develop a work plan every two years to direct state agencies and document what local governments, conservation districts and tribes are doing to protect Puget Sound. The Plan was designed to implement the Puget Sound Water Quality Management Plan.

Island County Water Quality Issues identified in the development of the 1997-99 Plan were:

- nonpoint source pollution
- education
- support for local stewardship programs
- drainage and stormwater
- failing on-site sewage systems
- development impacts
- small farms and agricultural runoff
- forest practices
- protecting ground water, water resources, natural resources

(shellfish, wetlands, streams)

- funding for local programs
- increased communication among and within state agencies

After looking at those issues, the Action Team selected a number of priorities to guide development of work plan. Some of the basic priorities were included in the work plan:

- fixing and preventing on-site sewage systems
- addressing storm water programs
- implement watershed action plans
- protecting wetlands and other fish and wildlife habitats
- promoting trans-boundary issues in cooperation with British Columbia to protect Puget Sound and Georgia Strait
- Education

Under those issues, after determining priorities for the work plan, actions were put into the work plan to cover what state agencies would do with the money provided to protect Puget Sound, i.e. the Department of Fish & Wildlife recently hired more people to do technical assistance for fish habitat issues, and the Department of Health is providing technical assistance for on-site sewage systems to local governments. Actions occurring in Island County include state actions as well as actions Island County committed to do last year.

Island County committed to the following actions in the current plan:

- complete basic stormwater programs
- establish a comprehensive septic program
- protect and restore shellfish beds
- protect wetlands and aquatic habitats
- address flooding and stormwater problems
- implement North Whidbey watershed plan
- develop and adopt South Whidbey watershed plan

Ms. Drinkwin brought forward for discussion the current work plan and how the Commissioners believe it has progressed, and their thoughts as far as what the State could do to assist in implementation of that work plan.

Chairman Shelton recalled that as a result of last winter's storm, the County suffered from multiple problems from stormwater runoff. One of the frustrating things after such a catastrophic event is in relationship to restoration programs implemented in Island County that had been altered by state agencies, particularly, Fish & Wildlife, such that where pre-storm the County had a stormwater system, Fisheries is now requiring restoration to a salmon stream [Glendale on Whidbey Island, and a project on Camano Island]. While the County is willing to accept the responsibility for restoration of the systems as they existed, when the salmon stream proposal came from Fish & Wildlife the County needs financial help to cover the added cost to make that stream a salmon stream. Also germane is the issue of a timely permitting process as related to Glendale where he felt in this case had placed some citizens in danger with winter coming on because the County has not been able to do what needs to be done. The County hired an engineering firm to put together a plan and design the stream to restore the stream to a salmon stream, but he understood Fish & Wildlife had not

approved that plan.

Mr. Kwarsick reported that on the Glendale project, there had been some verbal comments, but a permit had not yet been received from State Fish & Wildlife, but Julie Buktenica apparently received a letter with respect to the project on Camano Island. Ms. Buktenica recalled quite a bit of input from Fish & Wildlife, who sent an engineer here for half a day and spent time in the field with her regarding Glendale, and time with the engineers. She thought Fisheries had been fairly clear about what would be approved and was just a question of getting it on paper and submitting it to the Department.

Janet Kearsley remembered that the County applied for grants but did not receive any, other than a loan. What Department of Fisheries is requiring and the funds from the federal government do not match. The cost of the project will be more than what funds the County has, and it is a matter of having to adjust the project to make it cost affordable and still meet Fisheries requirements.

Commissioner McDowell pointed out the fact that Fisheries required the project go beyond what was there prior to the storm, yet the County has limited funds and expanding the project

without financial help could make the project not possible. Another example is the storm outfall on Camano Island, where Fisheries wanted the County to replace the whole system with a stream capable of supporting salmon, taking the project from what should be \$2,000-\$5,000 up to \$230,000. At the point in time the system needs to be replaced would be the time to deal with what Fisheries is asking for, rather than replacing a short outfall now with a 1/4 million dollar project without providing the necessary funding.

Ms. Drinkwin will meet tomorrow with the individual hired to help provide more technical assistance to Fisheries for Island, San Juan, Skagit and Whatcom counties, and agreed to broach the issue with him.

Chairman Shelton recalled having heard at the summer WSAC conference in Spokane a testimonial to what Oregon had done avoiding listings under the Endangered Species Act. This is another example: if counties are to avoid listings under the Endangered Species Act, it will not work if the State mandates that without providing the necessary funding. He hoped that the Puget Sound Action Team would provide some leadership in terms of getting that message to the Governor, i.e. Island County is willing to do what it takes as long as the State provides the dollars to help. He cited Glendale Creek as a classic example; the Board has no problem with designating Glendale Creek as a salmon creek but needs funding to help with that and that funding has to come from the State.

Commissioner McDowell referred to the handout [green sheet] the Island County water quality issues 1997-99 plan, education and support for local stewardship programs, and noted that one of the major stewardship programs in Island County is Beach Watchers, had over 100 people complete the program and certified, The support received from the State is small, in the area of \$28,000, and he understands will not be available a year from now. He encouraged Ms. Drinkwin put "Support for Local Stewardship Programs" on the "Action Sheet".

Ms. Drinkwin stated that she met with citizens a few nights ago to try to be more inclusive in the process and talked with Susan Berta from the Beach Watchers program and a number of volunteers, and was impressed by the number of volunteers and how cost effective the program is. She encouraged the Beach Watchers apply again for PIE funding - applications being accepted for that in the future.

Janet Kearsley stated that with respect to the Beach Watchers program, the Department of Ecology seemed to be geared more for the urban area and provides seed moneys to start programs, expecting local jurisdictions to continue the program with local funds after that. Her thought was that a shift needs to be made at the State level that while urban areas have the base funding to do that, rural areas do not. Rural jurisdictions need to be treated differently than the urban areas.

Ms. Drinkwin referred to the last page of today's handout, a diagram of the public process for developing the work plan for 1999-2001. Information from today's meeting, along with information from other meetings held around the Sound, will be summarized in a report that will be provided in January or February of 1998. All issues identified will be forwarded to the Action Team and Puget Sound Council. The idea is to use those issues when setting priorities for the next work plan and budget.

She suggested the Commissioners review what was identified last round and see if there would be anything they wanted to carry over, or something that should be deleted, as well as anything new.

Commissioner Shaughnessy believed that habitat issues would be addressed throughout the State, but Island County and San Juan County are minor players, and thus questioned how much would be accomplished with what he sees as a new priority the Governor identified. On the other hand, Island County has known stormwater problem and needs to stay with the basics of that.

Chairman Shelton thought there were identified issues that could be taken care of in terms of endangered species that are not monumental. A new phrase coined has been: "pick the low hanging fruit" i.e. do the things that are apparent and affordable that have an immediate effect upon fish populations and get on with that. In many areas of Island County projects are at implementation stage and the only thing between the County and implementation are dollars. One example would be establishing a comprehensive septic program in Clinton on

Whidbey Island, and Juniper Beach on Camano Island. Some grants were received for studies on installing sewage treatment plants. Clinton went through the process and came up with a plan. The situation now is that it costs about \$15,000 for individual homeowners to hook into the proposed sewage treatment plant. This Plan is on a shelf somewhere and failing septic continue to exist. He therefore questioned: "is there some way to get over this hurdle and implement the Plan and solve the issue.?"

Commissioner Shaughnessy characterized the Juniper Beach area to be in the same situation.

Also, Chairman Shelton pointed out that the County continues to do watershed planning and there are a number of stormwater issues that remain unresolved and the County continues to struggle with funding issues to implement a good stormwater program.

One thing Commissioner McDowell suggested was the need for a good understanding on the part of state agencies of county finances.

On another issue, the Chairman believed most people in Island County wanted to see forestry and agriculture continue, yet in Island County's particular situation, forest or agricultural practices are likely to have a greater impact upon surrounding neighborhoods than many other counties. Forestry practices and agricultural activities have immediate impacts on people in the area where the practices are taking place. State agencies need to be aware that Island County is different than other counties.

The top three issues for Island County were identified as follows by the Board:

1. Funding issue - to implement existing plans and programs
2. Drainage and stormwater
3. Ag and Forest Practice problems that occur in the County

Joye Emmens expressed some concern that failing drainfields seemed to be an issue always high on the PSWQA list, but particularly in Island County much has been done to develop a comprehensive program, and even with some of the more sophisticated systems the owner is required to obtain an annual operating

permit to maintain the treatment, in turn protecting the environment. On the other hand, Island County has little control over some of the agricultural practices, and no funding to assist the farmers or help implement [even for technical assistance] any major activities. Some of the loading on drainfields from agricultural properties is a far greater load than from a single family residence. Farmers need another set of funding to implement best management practices.

In talking about the water quality of Puget Sound, Chairman Shelton pointed out that the requirements placed on an individual home owner are far more strict than requirements on a treatment plant that handles towns and cities.

Janet Kearsley advised that Island County had been placed on the 303(d) list of threatened or impaired water bodies, two listings: Penn Cove for fecal coliform and Penn Cove for Saratoga Passage because of high levels of PCB's [Polychlorinated Biphenyls]. Apparently this list is now in initial stages, with final list to be out by the end of the year. The listing will result in placement of a total daily minimum loading where it would require monitoring in Island County's case to trace back any sources found in the waterways and try to deal with the situation. Island County will need State assistance to help trace that back.

Tim McDonald agreed, observing this sounded like something that would be very expensive on the part of the County .

Ms. Drinkwin suggested that the 303(d) list and creation of a total daily maximum load was a big issue, too big an issue to handle today. She offered to come back at another time to brief the County exactly what that means and bring someone from DOE to help explain that.

CLOSED RECORD APPEAL - APP #418/97 APPEAL OF HEARING EXAMINER'S

APPROVAL OF BSP #021/96, CAMANO COMMONS, BY C.A.R.E.

A public Hearing was held at 1:30 p.m., as scheduled and advertised, to hear Appeal #418/97 by Phil Lewis, President, Camano Action for Rural Environment, Inc., (C.A.R.E.) an appeal of the Hearing Examiner's Decision dated September 15, 1997, regarding approval of

Binding Site Plan #021/96, a 20-lot commercial development, Camano Commons (David Platter), 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, Wa. Application SPR 021/96 by ACCRUE was approved by the Hearing Examiner following an open record hearing held on Camano Island.

Approximately 20 people were in the audience at the time of hearing. Island County Planning Department was represented by Debra Little, Development Services Manager, and Erika K. W. Jensen, Associate Planner. Appellant, Phil Lewis, was present, along with a number of members of C.A.R.E. Applicants, David Platter and Robert Lambertson, were present.

Chairman Shelton outlined the procedure for today's Closed Record Appeal:

Staff will present a concise statement describing the nature of the appeal, hearing history, relevant facts and statutory constraints.

Appellant, or designated representative, will be provided an opportunity to state the basis of the appeal.

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 permitted.

Unless otherwise indicated during the hearing, a decision will be announced at public meeting within 14 days based on testimony during the hearing, transcripts of previous hearings and applicable laws. The Board's decision will include the vote of individual Commissioners, and a brief statement as to the basis for the decision.

After the Board's decision, the Planning Director will prepare Findings of Fact and Conclusions of Law for signature by the Board of County Commissioners. A copy of this decision will be provided to the appellant by the Planning Department.

Debra Little described this as an appeal of the Hearing Examiner's decision rendered on September 15, 1997, to approve with conditions a binding site plan for 20 commercial lots, submitted to Island County February 12, 1996 and accepted as completed on February 18, 1996, and went through a number of revisions. The first public hearing was held on April 17, 1997, and continued into August, with some other site plan revisions made. The appeal was received within the time required by law, published in a newspaper of local circulation for the closed record hearing. Applicable County ordinances that apply to site plan review are: the Zoning Ordinance, Chapter 17.02; Land Use Review Process, Chapter 16.19; Site Plan Review Ordinance, Chapter 16.15; Environmental Review Ordinance, Chapter 16.04C; and Island County Comprehensive Plan, Phase II, Policy Document adopted in 1977. Other County Departments reviewed the application, including Public Works and Health.

Phil Lewis III, 979 S. Cavelaro Road, Camano Island, President, C.A.R.E. opened by pointing out that as a business consultant, he worked 32 years to help businesses thrive. He served 6 years on the Island County Economic Development Council board of directors, and 6 subsequent years as an Island County representative to the Private Industry Council. C.A.R.E. believes the application by ACCRUE for the development of Camano Commons at Terry's Corner 11 acres should not have been conditionally approved by the Hearing Examiner because it does not fit regulatory requirements.

Joan McConnell, 166 N. Sunset Drive, Camano Island, who has been coming to the Island all her life, stated that her father grew up there, her grandparents spent their last days there and she was very rooted and cared deeply about what happens. She believes this development is a mistake. The Island County Planning Department determined that the application for development at Terry's Corner was complete on April 11, 1996. Since the County missed the State-mandated deadlines for producing and adopting a comprehensive plan and implementing ordinances, the County failed to take interim steps to prevent urban growth outside IUGA's prior to adoption of a new comprehensive plan and implementing regulations. As a result the 1984 Island County Comprehensive Plan has been and continues to be the defacto interim control for development. Engrossed Senate Bill 6094, the provisions of which were approved by Governor Locke, new section 15.5 states: "a development permit application may vest under an interim control or measure upon determination by the Board that the interim controls and other measures do not substantially interfere with the fulfillment

of the goals of this chapter". In its order for compliance, Consolidated Case No. 95-3-0068C dated October 1, 1997, the Central Puget Sound GMA Hearings Board stated: "the Board notes that any actions taken by a local government after July 7th, 1997, including actions taken to comply with a Board remand order, will be subject to the provisions of ESB 6094". The Hearing Examiner's ruling concerning Terry's Corner is dated September 15, 1997, and any such ruling made after July 27, 1997, should have been made in compliance with the GMA. In this case, the findings should have taken into account that the proposed development is: (1) urban in nature in a rural setting; (2) violates goals 1 and 2 of the GMA, and (3) would not have been permitted under the provisions of the November 1996 draft pages 293-94 and 311 of the Island County Comprehensive Plan.

Mr. Lewis highlighted from some of the statements contained in Appellant's letter of appeal dated September 26, 1997, and asked that the Board consider all points raised in the written appeal and attachments. He

listed four reasons that the Board should overrule the Hearing Examiner and commented on each.

1. The people do not want this development because it does not conform with the requirements of the Growth Management Act.

Attached to the appeal were several petitions consisting of some 178 signatures opposing the project, with 56 additional signatures today. The overwhelming public opinion at the hearings was against the project. It is urban development in a rural area, an abrupt transition disruptive to the surrounding area, and in order show that, a 1992 aerial photograph was displayed to show how the application does not fit in with the surrounding area, and to show some illegal businesses.

Debra Little believed this was a new exhibit not shown to the Hearing Examiner. She did agree that objections had been voiced about the traffic in the hearing before the Hearing Examiner.

Mr. Lewis explained that this was an illustration of an already made point and part of their appeal. Appellant was allowed to continue, with the Board to get a ruling on whether or not this can be entered as part of today's record.

Mr. Lewis continued by noting that the GMA says this type of development is not permitted outside of a municipality or designated UGA. Because neither exists on Camano Island, the project should have been rejected by the Hearing Examiner. Interim UGA's would have had to have been designated some time ago. The developer does not own the land yet and only 1/3 of the sites are purchased, therefore, no one knows what kind of businesses would come in; it is not known what traffic, water use, or environmental threats would be added by the businesses occupying the parcels in the future. Projects have been proposed at this location in the past and failed. If this project is approved and the infrastructure built, it will fail economically and those on Camano Island will have to live with the eyesore.

2. Already dangerous traffic will become even more dangerous.

Traffic is already dangerous. Over the past several years the number of cars on this through road has more than doubled. Traffic volume is as bad or worse than Deception Pass on Whidbey Island, just one LOS lower. Allowing interruptions to this worsening traffic is foolhardy and permitting any entry onto North Camano Drive is asking for fatalities. Less than a month ago there was a traffic fatality within 1/2 mile Terry's Corner. A group of citizens, CRASH, recently said in a letter to Stanwood Camano News "the dangerous intersection just east of Whidbey Bank and Terry's Corner Fire Station has drastically limited sight" and two members of the Island County Planning Commission signed the letter. This is the wrong place for a shopping center that requires 264 parking spots. Notes from the file this morning show there would be 391 day trips interrupting traffic significantly. However, he found there were no comments received yet on the traffic flow from the State Department of Transportation (WDOT).

3. Water flow and fire flow are inadequate.

The information received from the State of Washington indicates the water system is approved for only 25 gallons per minutes. The fire station and bank are on the system now as well as 4 residences. When the system was tested at 40 gallons per minute it drew down 10' in 4 hours. The capacity is inadequate; 25 gallons per minute has to serve, in addition to the 6 listed above the water system also has to serve a gas station, motel, fast food restaurant, post office, child care facility and a dozen or more other stores. The water system has gone through four owners and the State has had a difficult time obtaining data.

The draw down will reduce the low output of nearby wells and may cause salt water intrusion. Four cases of salt water intrusion have been documented nearby in the past.

4. Waste water discharge will contaminate nearby water supplies.

Mr. Lewis stated that Karl Neue-Lawson, North Camano Road, is concerned since the off site drainfield is on three sides of his property, and believes effluent from these commercial businesses will contaminate his water. In that case he wonders what recourse he would have since the developer would have sold the lots. If this development is approved it could place the County in the position of being the only deep pockets, i.e. taxpayers. Because he could not be here in person, Mr. Neue-Lawson provided a letter which Mr. Lewis read in part as follows [dated October 16, 1997]:

"...my concerns are real. In the future, water will continue to be a matter of supreme

importance to the residents of Camano Island. It is the driving force that compels me to write this letter. The effluent from the above mentioned development should be

metered to insure continued quality of neighborhood water supplies. " "...effluent output from this development are tragically underestimated." "When inquiring about a water system I might be able to hook up to, the State had no information on

any system that would supply any demand that would even come close to the demand that will be generated by this proposed development. What I did discover was that the Camano Village and Terry Heights water systems appeared to be one and the same ... and that combined they could not and were not approved to supply this demand." "I have lived on Camano Island since 1972. Ever since I can remember fill has been being dumped on this lot and as far as I know a drainfield cannot be put in on a lot made up of fill.:"

Mr. Lewis, on behalf of C.A.R.E., shared Mr. Neue-Lawson's concerns.

Debra Little interjected that the letter had been written October 16, 1997 and therefore not in the Hearing Examiner's record. She agreed that Mr. Neue-Lawson testified at the hearing, but not in this detail. She went on to explain that the site plan review for the off-site drainfield, SPR #360/96 received preliminary approval May, 1997 from the Board and was not appealed.

Mr. Lewis stated that the project was set up to fail, is poorly designed, incompletely disclosed development in which the developer will not have the necessary control after individual pieces of property are sold. Island County will be left to solve the problems of the various phases of this project. He pointed out that C.A.R.E. would continue to pursue this issue beyond today's proceeding if necessary.

Answering questions from Commissioner Shaughnessy with regard to the issue of owning the land, Ms. Little stated that the County does not make a distinction but the applicant must have permission of the landowner to apply. Economics of a project is not a review criteria.

The comment that WDOT had not provided comments on the traffic study, Mr. Lewis explained that on the left hand side of the paper in the file was a comment that the person reviewing was still waiting for comments from WDOT.

Ms. Little further explained that the application was routed to Public Works; that department routes it on to WDOT for comments, and then looks at the traffic analysis themselves and provides the Planning staff and Hearing Examiner with comments on the traffic.

Don Robinett, Public Works Department, Development Coordinator, reported comments from WDOT on the latest revised traffic analysis, prior to the preliminary hearing, had not been received. As a matter of practice however, any conditions WDOT comes up with are adopted as conditions of final approval for the project. As yet, comments have not been received from WDOT on the latest revision for the traffic analysis. WSDOT did comment on the first two, this is the third revision and WDOT may feel no need to comment on the third one.

The previous traffic analysis was approved without objection, and it is fairly similar to the others with no big distinction in number of parking spaces. The main reason the revised traffic analysis was required was because of the change in use of the proposed structures between preliminary application and revisions. It is not uncommon to adopt conditions from WDOT even though not yet received.

Keith Higman, Island County Health Department, Environmental Health Specialist, addressed a question from Commissioner McDowell concerning water. A condition for preliminary approval of the project was a commitment from the purveyor to provide water service for the project. Following preliminary approval, the water system works with the State Department of Health to develop a system with adequate quality and quantity to meet the needs of the project including issues such as fire flow, salt water intrusion if that is a concern, storage, distribution, any number of things which can limit the ultimate development of the project.

In response to a question from the Chair regarding the drainfields, Siri Klovstad, Island County Health Department, Environmental Health Specialist, indicated there are two drainfields, one a State approved system and the other that would serve the hotel. There is an off-site drainfield up the road to serve the other uses; it is not state approved system and it will come to the Island County Health Department for approval. She confirmed in terms of the off-site and on-site systems, soil analysis has been done that would indicate those soils would support those systems. As far as the allegation that the on-site system might be in fill, she stated that she had asked Mel Thom, Environmental Health Specialist [who worked for Island County at the Camano Annex], about that and was advised the soil the drainfield is going into is not fill at all.

In response to Chairman Shelton's question about the size of the motel, an audience member [believed to be David Platter] stated that the motel is small, 12-15 units. Debra Little stated what was approved was a motel 5500 sq. ft. Maximum; 16 parking spaces required maximum. She clarified that Mr. Neue-Lawson was concerned about the off-site drainfield. Mr. Lewis stated that Mr. Neue-Lawson mentioned both, that his property adjoins the off-site drainfield.

Responding to another question from Commissioner Shaughnessy, Mr. Higman stated that as a condition of review of the project the Applicant was asked to provide a hydrogeologic assessment. One of the interests in doing so was to determine if there was a potential for impacting drinking water supplies in existing wells, future wells, future potential wells in the surrounding area. That information was submitted to the Department and reviewed by the Hydrogeologist and determined that the proposed systems both on site and off site would not detrimentally impact existing points of withdrawal. As far as how many gallons of flow per day that was based on Mr. Higman did not review the project and could not comment on that. He did say that the drainfield designs are rated according to anticipated flows. The systems as well as the area of soil necessary to install the systems is related to flows and there are limitations as to the ability of those soils to accept flow; therefore looked at gallons of loading per day.

Ms. Little clarified that there is a system for supply of water but it requires going through system design, and the system today is not ready. She commented with respect to the drainfields, the off site drainfield received preliminary approval of a site plan, i.e. the use of an off site drainfield can go at this location, but that has nothing to do with the actual engineered design. One of the conditions with the off-site drainfield states that specifications for an off-site commercial drainfield must be designed and submitted to the Island County Health Department for review and approval and that the following criteria must be included in the design: pre-treatment of all high strength waste; coordination of drainfield design with drainage plan if applicable; a Washington State professional engineer must design the transport lines; easements for off-site drainfields and transport lines must be approved, marked with permanent monuments; a sewage disposal system permit for the proposed off-site commercial system must be issued. The Hearing Examiner's decision

included some 20 conditions of approval and one was conformance with Island County Public Works - Engineering Division memos which included the point of waiting for conditions from WDOT and that those must be implemented.

With regard to the issue that people do not want this project, Commissioner McDowell was aware that Oak Harbor just went through a situation with Walmart and the very first argument was that people did not want it. His understanding is that Walmart went through the whole thing and ended up in court, and found that what counts is what the zoning is and

factual issues.

Ms. Little advised that [land] uses in Island County are reviewed based on site plan approval and criteria for review contained in Chapter 16.15 of the ICC; conformance with that criteria and zoning criteria is required. Island County has been accepting up through 4/10/96 site plan review for commercial uses in existing non residential zones and processing them according to the site plan review criteria.

Inasmuch as the Appellant gave as one of the reasons of appeal that people do not want the project, Commissioner McDowell asked in terms of the Code what the Appellant would suggest in trying to balance that request against the applicant's zoning. Mr. Lewis replied that the reason people did not want the project was that it did not meet requirements of GMA.

For the record, Ms. Little stated that the Application was accepted as complete for review on February 12, 1996, prior to the GMA Hearings Board invalidation order of April 10, 1996.

With regard to Appellant issues about inadequate fire flow, Don Robinett explained that the Public Works Department made a statement that fire flow is required pursuant to 13.03A, and depending on each use on site those requirements will be applied. With respect to a statement about no off-site contamination being required, this issue came up in public hearing and what Public Works was specifically addressing was off site contamination from gas spills. There is no requirement in Land Development Standards for planning for catastrophic spills; in the event of a catastrophic spill it is a multi-departmental response but there is no planning requirement for a catastrophic spill.

Robert Lambertson stated that he was there when perc holes were dug and attested there was no trash in the soil. Water supply and drainfields are sufficient. He believes there has been a great deal of misinformation about the project, but that the Hearing Examiner heard all of the facts and made the proper decision.

Mr. Lewis, along with Roger Nelson , 606 N. Sunrise Blvd., Camano Island, member of C.A.R.E., displayed the aerial to show at Terry's Corner what they believe would occur in the event of a catastrophic spill - that any fluid whatsoever, oil, gas, effluent, would go down to Sunrise and in the area which is a sanctuary, sensitive wetland.

Mr. Nelson, speaking on behalf of himself as a taxpayer, property owner, concerned citizen and broker with local real estate company, pointed out that whatever is spilled would end up in Port Susan Bay. To not provide any water quality standards he sees as a total disservice to him as a property owner in that area. He suggested the need to focus on what is being appealed and what Mr. Robinett's response was for the catastrophic spill. The DNS that was issued in subparagraph C, paragraph 3 of section 3, recognizes and states the potential for significant adverse environmental impacts. He did not see where these impacts are addressed, however.

With regard to zoning, specifically Mr. McDowell's comments that the bottom line is zoning, he reminded that the current Comp Plan states that in no case may a site plan be granted approval if it disrupts the character

of surrounding permitted uses. According to the aerial, the surrounding permitted uses are rural and agricultural, not cookie-cutter commercial use.

Replying to Commissioner Shaughnessy, Ms. Little confirmed that a representative from Drainage District #5 attended the Hearing Examiner's hearing and provided a letter which is part of the record. [Don Robinett supplied additional copy of that letter for the Commissioners today - letter dated August 21, 1997 from Jay Leque, Drainage District #5 to David Platter and Robert Lambertson]

Robert Lambertson, 1434 S. Crestview Drive, Camano Island, stated that when he offered a purchase and sale agreement on the properties, one of the conditions of buying it in the preliminary title search was a mitigation contract with Drainage District #5. That has never been contested and in fact they agreed with Drainage District #5 to meet the conditions of the mitigation contract.

Ms. Little and Ms. Jensen displayed the approved plan to the Board and audience to show the projects that are a part of the preliminary site plan and explain what needs to be done. Proposed are 20 lots, most open-ended as to whether they are office or retail, but several lots actually locate a particular use there. About halfway through the application review, the U. S. Postal Service requested a post office in the project at that location; also proposed is a motel, restaurant, and a gas station [specific location of each was pointed out on the Plan]. Applicant is now bound to those sites. Preliminary site plan approval locates the uses in certain locations and provides a list of uses that will be allowed and an upper limit on the

building size; further, preliminary provided a list of conditions the development has to meet. Ms. Little termed this plan as the "preliminary to-be-built Plan" with the developer obligated to provide a loop road, design and install a water system, septic system, drainage, access points and improvements, perimeter landscaping and greenbelts and all common parking area, then survey every lot with monuments put in the ground, and then bring it in for final approval before anything is allowed to be built on the site.

Answering a question from Commissioner McDowell about how staff deals with the issue of in-compatibility when reviewing a proposal for compatibility with surrounding neighborhoods, Ms. Jensen commented that the Site Plan Review deals with that issue, and the requirement is to provide a harmonious transition to adjacent properties and land use. Staff also looks at the zoning to see if it fits in with the character of the surrounding neighborhood, and also look at the zoning. She did not know that any non-residential use would be similar to RR zoning.

Ms. Little pointed out this is a pre-1984 grandfathered Non Residential zoned parcel. In the Comprehensive Plan adopted in 1977 Phase II Planning Policies, the optimal land use map designates this as a Business Center. Staff took the Comp Plan and applied it to the proposal and came up with conditions that would hopefully make it harmonious. The County has not developed any specific standards for "harmonious transition".

Ms. Jensen commented to note there are certain design aspects for conditions of approval that will make something fit in with the surrounding area, i.e. buildings with similar appearance, size and shape as buildings found in the surrounding areas. In the case at hand this is why buildings are to have peaked roofs and limited color schemes. Landscaping is also used to soften the impact of a more intensive use or more buildings that would not be found in the surrounding area. By the virtue of the area being zoned NR, one would have to expect the area to have some more intensive use.

Further, Ms. Little pointed out that in this case Applicant used a group of 20 lots with smaller buildings rather than a large commercial center. The NR zone already exists and was a previous commercial zone before 1984. In contrast, very specific uses were established in NR Floating Zones with a site plan review. Those properties that have been previously designated for more commercial or industrial use in 1984 were identified and given the NR category zoning. This property is shown on the old maps, so this piece of

property was zoned commercial prior to 1984 if not earlier than 1977. This site was not a contract rezone.

Mr. Lewis made the following final statement of appeal. At Terry's Corner the Camano Island Community Council suggested there would be something developed there in their transmission to the Board of County Commissioners. The argument is not that commercial development should be prohibited at Terry's Corner, but this development is too intensive. Mr. Lewis raised the question: is this project frozen under the new Western Washington GMA ruling?

Hearing Concluded 2:40 p.m. As earlier indicated, the Chairman noted that the Board's decision would be announced at public meeting 14 days, in this case, November 3, 1997, and that after the Board's decision, the Planning Director will prepare Findings of Fact and Conclusions of Law for signature by the Board of County Commissioners, with a copy provided to the appellant by the Planning Department.

CLAIM FOR DAMAGES 97-046, TRACI D. PEDERSON - DENIAL RESCINDED

With regard to Claim for Damages #97-046, which earlier this morning was denied by unanimous motion of the Board, Commissioner moved to retract denial of Claim #97-046, Traci D. Pederson, and continue consideration of that claim to Monday, October 27. Motion, seconded by Commissioner McDowell, carried unanimously.

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 2:45 p.m., to meet next In Regular Session next on October 27, 1997, beginning at 1:30 p.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