

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - SEPTEMBER 10, 2001**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on September 10, 2001 beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with William F. Thorn, Chairman; Mike Shelton, Member; and Wm. L. McDowell, Member, present. By unanimous motion, the Board approved and signed the following minutes: August 21, 2001 Special Session; August 27, 2001 Regular Session; and August 30, 2001 Special Session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, as well as the August Payroll:

Voucher (War.) #106357-106682..... \$1,560,675.10.

Veterans Assistance Fund: [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. The Board, by unanimous motion, approved the recommendation of the Veterans Assistance Review Committee to approve in part, Veterans Claim V1-18, in the amount of \$1,281.54, the remainder of the claim denied. The Chairman requested that staff refer claimant to The Opportunity Council for assistance related to phone service needed for work.

EMPLOYEE AWARDS

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Employee Service Awards

Department	Employee	# Yrs.
Central Services	Chris Nelson	5
Plann/Comm. Dev.	Kelly Whitney	15
District Court	Bobbie Rodgers	5
Extension/WSU	Janet Hall	5
Sheriff	Larry Marley	20
Sheriff	Kaye Ryder	20

Special Recognition

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Kathy Carpenter, Island County Health Department, recognizing her receipt of the State of Washington "Professional Finance Officer Award".

Randy Diefert, Donna Keeler, Jill Wood and Jack Taylor, Public Works Department, as well as Nancy Theune, Central Services Department, who contributed their time, talent and skill to assist in making the 4th of July Fun Run/Walk a true success.

Employee of the Month – August, 2001

Markell Egelston, General Services Administration, handles a wide variety of tasks dealing with claims for damages against the County, and helping employees who may have been injured on the job. She is also very involved with teenagers in the community and volunteers her personal time with Central Whidbey Youth organization events.

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HIRING REQUESTS & PERSONNEL ACTIONS

After a summary review by Dick Toft, Human Resources Director, the Board by unanimous motion approved the

following personnel action authorizations:

<u>Department</u>	<u>PAA #</u>	<u>Description/Position No.</u>	<u>Action</u>	<u>Eff. Date</u>
Health	093/01	Pub. Health Nurse .5fte	2406.18 New Position	9/10/01
Health	099/01	Env. Health Spec.	2407.04 Replacement	11/6/01
Juvenile	101/01	Prob. Off/Wk Crew Sup.	1402.08 Extension/grant	9/10/01
Pub. Works	098/01	Truck Driver II, O.H.	2249.09 Personnel Act.	10/1/00 *
*to reflect a step increase to be approved as of 10/1/00				
Pub. Works	100/01	Mech. I 6 wk Temp	2236.05 New Position	9/10/01

APPOINTMENTS/ RE-APPOINTMENTS TO BOARDS AND COMMITTEES

The Board, by unanimous motion, named the following individuals to serve on Committees and Boards:

Island County Mental Health Advisory Board

Kathy Harada	Coupeville	2-year term	expiring April 1, 2003
Eileen Rosman	Camano Island	3-year term	expiring April 1, 2004
Patricia Whitcomb	Coupeville	3-year term	expiring April 1, 2004

2% Lodging Tax Advisory Committee

Ron Boyer, Island County Historical Society, replacing Molly McPherson

Water Resources Advisory Committee

Chuck King, Coupeville Replacing Tony Turpin, for an existing term to May 17, 2003

HEALTH CONTRACTS APPROVED

As submitted by Tim McDonald, Health Services Director, under memorandums dated September 5, 2001, the Board by unanimous motion, approved two health contracts as follows:

Contract #HS-09-01 [RM-HLTH-98-0004] Center for Community Support, Developmental Disabilities services \$15,385 [prior contract amount \$46,156.00] for the period July 1, 2001 – October 28, 2001, a bridge contract for the first 4 months of the new biennium.

Contract #HS-12-01 [RM-HLTH-99-0072] Chemical Dependency Crisis Services – Community Mental Health Services, \$165,780.00 [prior amount \$82,890.00] for the period July 1, 2001 – June 30, 2003, related to chemical dependency crisis calls, training, liaison with hospital, law enforcement, involuntary commitment.

**PUBLIC HEARING SCHEDULED: ORDINANCE #C-117-01 –
OUTDOOR BURNING PERMIT AND ENFORCEMENT**

As prepared and presented by Betty Kemp, Director, GSA, the Board by unanimous motion, scheduled a public hearing for the purpose of considering Ordinance #C-117-01 Island County Outdoor Burning and Permit Enforcement in accordance with Washington Clean Air Act regulations, on October 1, 2001 at 11:00 a.m.

**INTERAGENCY AGREEMENT #C0200048-
COMMUNITY LITTER CLEAN-UP**

Presented and recommended for approval by Don Meehan, Extension Agent, WSU, the Board by unanimous motion approved Interagency Agreement #C0200048 between Island County Public Works Department and the Washington State Department of Ecology, for a Community Litter Clean Up Program in the amount of \$62,225 for a two year

period. The Funding source is through the Waste Reduction, Recycling and Model Litter Control Fund, State of Washington Department of Ecology for the period July 1, 2001 - June 30, 2003, coordinated through the Lighthouse Environmental Program.

**CONTRACT/CONTRACT BOND – TRENCHLESS CONSTRUCTION;
MAPLE GROVE STORMWATER OUTFALL PROJECT**

- Bill Oakes, Public Works Director, and Phil Cohen, Surface Water Manager, presented for approval a Contract and Contract Bond from Trenchless Construction Services, for the Maple Grove Stormwater Outfall Project awarded on August 27, 2001, under Work Order #135, in the amount of \$64,034.00. Inasmuch as the Original signed contract had not yet been received back from the firm, the Board was requested to authorize the Chairman's signature.

By unanimous motion, the Board approved the Contract and Contract Bond from Trenchless Construction Services, for the Maple Grove Stormwater Outfall Project, Work Order #135, in the amount of \$64,034.00, and authorized the Chairman's signature once the Original signed contract is received back from Trenchless Construction Services.

SUPPLEMENTAL AGREEMENT #1-PW-002021-SEAWARD WAY ROAD REPAIRS

- As recommended by the Public Works Director, and Randy Brackett, Construction Engineer, the Board approved, by unanimous motion, Supplemental Agreement #1 to Contract #PW-002021 with Golder Associates, Inc., for the Seaward Way Road Repairs under CRP 00-06, Work Order #129, adding to scope of services by the amount of \$10,726 and extending time of performance to August 15, 2002.

RELEASE OF BOND – TERRY SWANSON, PRD 140/99; WATER SYSTEM PLAN

The Board, by unanimous motion, approved the release of lease of bond for water system plan under PRD 140/99, in the amount of \$23,000, Parcels 400-4860 and 504-4440, Sec 14, Twp 28N., R 3E. by Terry Swanson. based on the County Engineer's Memorandum of September 5, 2001, confirming that the water system was completed and approved by the Washington State Department of Health and included the engineer's certificate of construction.

**HEARING HELD: FRANCHISE #47R, BRIARWOOD COMMUNITY WATER ASSOCIATION; RENEWAL
OF EXISTING WATER DISTRIBUTION
SYSTEM; PLAT OF BRIARWOOD, DIVISION NO. 1**

- At 10:20 a.m. as advertised, the Chairman opened a Public Hearing on Franchise #47R, renewal existing water distribution system; Plat of Briarwood, Division No. 1, Sec. 18, Twp 32N., Rge 1E. Briarwood Community Water Association.

Mr. Oakes provided a copy of a memorandum dated August 10, 2001 from the County Engineer who reported that the franchise renewal requested covers the existing water distribution system in County right of way in the Plat of Briarwood, Division #1, Whidbey Island, and there are no plans for expansion of current system. All departments requested to comment responded with no objection to the proposal.

At the time of hearing, no one from the public indicated a desire to speak for or against the franchise renewal.

By unanimous motion, the Board approved Franchise #47R, renewal of existing water distribution system for Briarwood Community Water System in the Plat of Briarwood, Division No. 1, located in Sec. 18, Twp 32N., Rge 1E.

**HEARING HELD: FRANCHISE #21, BRENTWOOD PRD, DIVISION NO. 1 & 2 - SEWER COLLECTION
SYSTEM BY SEA-AIR LAND DEVELOPMENT**

- At 10:25 a.m. as advertised, the Chairman opened a Public Hearing on Franchise #21, Franchise, Brentwood PRD,

Division No. 1 & 2, for sewer collection system, submitted by Sea-Air Land Development, located in Sec. 23, Twp. 32N., R 2E, Camano Island.

In this case, Mr. Oakes submitted a copy Memo dated August 9, 2001 from the County Engineer reporting the franchise covers the construction, operation and maintenance of a sewer collection system in County right-of-way, North Camano Drive, Camano Island. All departments requested to comment responded with no objection to the proposal.

At the time of hearing, no one from the public indicated a desire to speak for or against the franchise renewal.

By unanimous motion, the Board approved Franchise #21, Franchise, Brentwood PRD, Division No. 1 & 2, for sewer collection system, submitted by Sea-Air Land Development; Sec. 23, Twp. 32N., R 2E, Camano Island.

WAIVER OF COMPETITIVE SOLICITATION – EDUCATION SERVICES K-12

Dave Bonvouloir, Solid Waste Manager, requested that the Board waive competitive solicitation requirements per Island County Code 2.29.030.B(12) and extend for one year the contract with Maribeth Crandell Crowe for Education Services - Waste Reduction, Recycling and Household Hazardous Waste, Grades K-12. Only one proposal was received for the initial 3-year contract, out of 31 request for proposals sent. This was a topic discussed with the Board at a recent staff session. The proposal received was from a highly qualified Freeland resident, who is only willing to sign a one year contract. From a Memo dated August 24, 2001 from Jerry Mingo, Recycle & Hazardous Waste Coordinator, Mr. Bonvouloir confirmed his recommendation of the options presented, was to award a re-drafted one year contract via a waiver of competitive solicitation per ICC 2.29.030.B(12) for the reasons presented in the memorandum.

By unanimous motion, the Board approved waiver of competitive solicitation per ICC 2.29.030.B(12) for the reasons presented in the memorandum from the Solid Waste Department.

GRANT APPLICATION: WASHINGTON DEPARTMENT OF ECOLOGY FOR 2002-2003 COORDINATED PREVENTION GRANT

By unanimous motion, the Board approved and signed a grant application to the Washington State Department of Ecology for years 2002-2003 Coordinated Prevention Grant, which was described fully in a memorandum dated August 13, 2001 by Jerry Mingo, for a total project cost of \$288,404.00.

INTERLOCAL AGREEMENT #WSDOT GCA 3011 BETWEEN ISLAND COUNTY AND WASHINGTON STATE DEPARTMENT OF TRANSPORTATION/QUIT CLAIM DEED EXCHANGING PROPERTIES

The Board, by unanimous motion, approved Interlocal Agreement WSDOT GCA 3011, between Island County and the Washington State Department of Transportation and Quit Claim Deed, conveying to Island County a parcel of land in exchange for a parcel the County owns. On the part of the County this relates to needed improvement of safety and to minimize public risk by upgrading access/circulation to the Coupeville Solid Waste Facility.

RESOLUTION #C-118-01/R-51-01 CLOSING OUT THE COMMUNITY DEVELOPMENT PLANNING ONLY GRANT FOR THE SOUTH WHIDBEY INTERGENERATIONAL; FACILITY – HEARING SCHEDULED

Resolution #C-118-01/R-51-01 in the matter of closing out the Community Develop Planning Only Grant for the South Whidbey Intergenerational Facility, was by unanimous motion of the Board, scheduling for public hearing on September 24, 2001 at 2:15 p.m.

HEARING HELD: ORDINANCE #C-112-01 (PLG-015-01) RENEWAL OF C-38-01 - AMENDING ICC 17.02.107 TO COMPLY WITH THE ORDER OF THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD RELATING

WHEREAS, RCW 36.70A.390 authorizes the County to renew interim regulations for one or more six-month periods so long as a public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, through Ordinance C-77-99, Island County adopted interim regulations limiting the exemption for existing and on-going agricultural activities to lands that are zoned CA; and

WHEREAS, by the terms of C-77-99, these regulations remained in effect for six (6) months; and

WHEREAS, through Ordinance C-152-99, Island County adopted a four (4) month extension to C-77-99 expiring on May 10, 2000; and

WHEREAS, through Ordinance C-28-00, Island County adopted an additional six (6) month extension to C-77-99 expiring on October 5, 2000; and

WHEREAS, through Ordinance C-90-00, Island County adopted an additional six (6) month extension to C-77-99 expiring on April 4, 2001; and

WHEREAS, through Ordinance C-38-01 adopted on April 2, 2001, Island County adopted an additional six (6) month extension to C-77-99 expiring on October 2, 2001; and

WHEREAS, on November 17, 2000, the Growth Board determined that the application of the agricultural exemption to existing and ongoing activities within the Rural Agriculture Zone as well as the Commercial Agriculture Zone is compliant with the GMA and that application of the exemption to the same activities within the Rural Zone is not GMA compliant; and

WHEREAS, Island County filed a court appeal of the Board's decision disapproving the agricultural exemption as it relates to lands designated Rural in Island County v. Western Washington Growth Management Hearings Board, Island County Superior Court No. 00-2-00757-9, but it is necessary that an interim ordinance be reenacted to avoid a determination of invalidity during the pendency of the lawsuit; NOW, THEREFORE,

BE IT HEREBY ORDAINED in order to comply with the June 2, 1999 Final Decision and Order of the Western Washington Growth Management Hearings Board and the subsequent November 17, 2000 Compliance Hearing Order, the Board of Island County Commissioners hereby adopts the amendment to ICC 17.02.107.E. attached hereto as Exhibit A establishing interim regulations relating to the exemption of existing and ongoing agricultural activities from critical area regulations and the Findings and Legislative Intent attached hereto as Exhibit B. Material underlined is added.

BE IT FURTHER ORDAINED that this amendment to the existing and ongoing agriculture exemption shall go into effect on October 2, 2001 and shall remain in effect until Court approval of the existing and ongoing agriculture exemption as it was adopted in Ordinance C-151-99 or six (6) months, whichever is earlier. Should the Court not issue a decision approving the existing and ongoing agriculture exemption as contained in Ordinance C-151-99 within six (6) months from the date of enactment of this interim amendment, then the Board hereby declares its intent to reenact this interim amendment so that it remains in full force during the pendency of the lawsuit or until a determination is made whether any other permanent regulations are necessary.

Reviewed this 20 day of August, 2001 and set for public hearing at 10:45 a.m. on the 10 day of September, 2001.

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

William F. Thorn, Chairman
Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST:

Elaine Marlow
Clerk of the Board

BICC 01-576

APPROVED AND ADOPTED this 10 day of September, 2001 following public hearing.

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

William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member

ATTEST:

Elaine Marlow
Clerk of the Board

APPROVED AS TO FORM:

DAVID L. JAMIESON, JR.
Deputy Prosecuting Attorney
& Island County Code Reviser

[exhibits noted are on file with the Clerk of the Board]

**HEARING HELD: OPS 268/01 SHARON EMERSON & CHARLES SNELLING
REQUESTING THAT 25.67 ACRES OF 26.67 ACRES BE CHANGED FROM DESIGNATED FOREST TO
TIMBER LAND CURRENT USE CLASSIFICATION**

A Public Hearing was held following completion of the prior hearing, to consider Open Space Application #268/01 by Sharon Emerson & Charles Snelling, requesting 25.67 acres of parcels that total 26.67 acres be changed from Designated Forest to Timber Land current use classification. The property is located on South Whidbey, in the SW ¼ of Sec. 29, Twp. 30N, Rge. 3E, W.M., Parcels #R33029-099-0860 and #R33029-032-0870.

Jeff Tate summarized from the Island County Planning Department Proposal, Findings, Analysis, Conclusions and Recommendation dated August 20, 2001. Based on findings and conclusions, approval of the application is recommendation with the following conditions:

1. All future forest practices activity on the subject property shall be consistent with the submitted Forest Land Management Plan and all Resource Management recommendations contained in the report shall be followed as a condition of this approval.
2. One acre of the 26.67 acre site shall be excluded from the Open Timber current use classification.
3. All future forest practices activity on the subject property shall [be] consistent with Washington Forest Practices Regulations, RCW 76.09 and WAC 222, and all other applicable County, State and Federal regulations.

By unanimous motion, the Board approved Open Space Application #268/01 by Sharon Emerson & Charles Snelling, requesting 25.67 acres of parcels that total 26.67 acres be changed from Designated Forest to Timber Land current use classification on property located on South Whidbey, in the SW ¼ of Sec. 29, Twp. 30N, Rge. 3E, W.M., Parcels #R33029-099-0860 and #R33029-032-0870, as recommended by the Island County Planning and Community Development Department.

There being no further business to come before the Board at this time, the meeting adjourned at 10:50 a.m., with the Board meeting this afternoon beginning at 1:30 p.m. in Budget Workshop. The Board will meet in special session on September 12, 2001, beginning at 1:00 p.m., also to conduct a Budget Workshop. Notes taken during Budget Workshop will be placed on file in the Office of the Board of County Commissioners and the Budget Director.

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

William F. Thorn, Chairman _____

Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board