

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - JULY 7, 2003**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on July 7, 2003 at 9:30 a.m. in the Law & Justice Facility, Department III (Courtroom 3), 101 N.E. 6th Street, Coupeville, Wa. Wm. L. McDowell, Chairman, William J. Byrd, Member, and Mike Shelton, Member, attended. The meeting began with the Pledge of Allegiance, followed with approval by unanimous motion of the minutes from the June 23, 2003 meeting.

VOUCHERS AND PAYMENT OF BILLS

The following pre-audited vouchers/warrants were approved for payment as presented, with the exception of #1010615, by unanimous motion of the Board, along with June 30, 2003 payroll for June 1-30, 2003:

Voucher (War.) #168256-168507\$511,331.78.

Veterans Assistance Fund: *[emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]*. Claim V3-8 in the amount of \$1,844.54 was approved by unanimous motion of the Board as recommended by the Veterans Assistance Review Committee.

APPOINTMENT TO NORTHWEST SENIOR ADVISORY BOARD

The Board by unanimous motion appointed John Hare, Camano Island, to serve on the Northwest Senior Services Board for a term expiring June 30, 2006.

SPECIAL OCCASION LIQUOR LICENSE APPLICATION # 090580 BY NORTH OLYMPIC PENINSULA & ISLANDS WINERY LOOP ASSOCIATION - GREENBANK FARM

Based upon favorable recommendations from the appropriate county departments, the Board by unanimous motion approved Special Occasion Liquor License Application #090580 by North Olympic Peninsula & Islands Winery Loop Association for a special occasion to be held July 26 & 27, 2003, from 10:00 a.m. to 5:00 p.m. at the Greenbank Farm.

**PROCESS AND FORM TO REIMBURSE RETIRED ISLAND COUNTY SHERIFF
LEOFF 1 MEMBERS FOR MEDICARE PART B PREMIUMS PAID**

The Board by unanimous motion approved Process and Form to Reimburse Retired Island County Sheriff LEOFF 1 Members for Medicare Part B Premiums Paid, not more frequently than quarterly.

**ADDENDUM/AMENDMENT TO INTERAGENCY AGREEMENT # IA-03-16-01 - WASH-INGTON STATE
DEPARTMENT OF AGRICULTURE, FAIRS PROGRAM AND IS. CO.**

Addendum and Amendment to Interagency Agreement #IA-03-16-01 [RM-GSA-02-0076] between Washington State Department of Agriculture, Fairs Program and Island County, reducing the number of concession stands to be completed under the grant from 16 to 9 was approved by unanimous motion of the Board, concurring with the Chairman's signature dated June 27, 2003.

**SERVICE ALTERNATIVES FOR WASHINGTON, INC.-DEVELOPMENTAL
DISABILITIES - CONTRACT #HS-10-01(2) AMENDMENT # 2**

Contract #HS-10-01 Amendment 2 with Service Alternatives for Washington, Inc., a reduction of \$4,697, for new contract total of \$205,633 [RM-HLTH-99-0057] was approved by unanimous motion of the Board. Contract amount decreased due to the reduction of DDD SSP and vendor rate decrease for the second year of the 01-03 biennium.

EVERGREEN AIDS FOUNDATION - CONTRACT #HD-05-03

Evergreen Aids Foundation-HIV Case Management Contract #HD-05-03 in the amount of \$18,591 was approved by unanimous motion of the Board [RM-HLTH-99-0044) to continue Title II funding for HIV case management contract.

**ON-SITE REPAIR FINANCIAL ASSISTANCE PROGRAM WASHINGTON STATE
WATER POLLUTION CONTROL REVOLVING FUND LOAN 2002**

Per fully executed contract with the Washington State Department of Ecology for payment to the Island County Health Department for costs associated with the On-Site Repair Financial Assistance

Program, the Board approved by unanimous motion, authorization for Whidbey Island Bank to accept payments tendered under Promissory Note and Deed of Trust to the Island County Water Quality Assistance Fund for the second loan recipient under the third round of funding (2002).

RESOLUTION #C-67-03/PLG-012-03 INCORPORATING SERVICE AREA FOR KENWOOD ACRES WATER SYSTEM INTO ISLAND COUNTY CWSP AND ANNEXATION OF PARCEL R23223-254-1560 INTO THE WATER SYSTEM SERVICE AREA.

The Board, by unanimous motion, approved Resolution #C-67-03/PLG-012-03 Incorporating the Service Area for the Kenwood Acres Water System into the Island County Coordinated Water System Plan (CWSP) and Annexation of Parcel R23223-254-1560 into the Water System Service Area, as presented and recommended by Phil Bakke, Director, Planning & Community Development.

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

IN THE MATTER OF INCORPORATING THE)	
SERVICE AREA FOR THE KENWOOD ACRES)	RESOLUTION C-67-03
WATER SYSTEM INTO THE ISLAND COUNTY)	PLG-012-03
COORDINATED WATER SYSTEM PLAN AND)	
ANNEXATION OF PARCEL R23223-254-1560)	
<u>INTO THE WATER SYSTEM SERVICE AREA.</u>)	

WHEREAS, the Kenwood Acres Water System was lawfully established prior to the adoption of the Island County Coordinated Water System Plan; and

WHEREAS, the Kenwood Acres Water System is proposing to incorporate their existing service area into the Island County Coordinated Water System Plan; and

WHEREAS, the Kenwood Acres Water System is proposing to annex parcel R23223-254-1560 into their water system service area; and

WHEREAS, pursuant to WAC 197-11-800(4)(b) appropriations of 2,250 gallons per minute or less of ground water are exempt from SEPA review, **NOW, THEREFORE**,

BE IT RESOLVED by the Board of Island County Commissioners that the Kenwood Acres Water System service area, including annexation of parcel R23223-254-1560, is hereby incorporated into the Island County Coordinated Water System Plan.

APPROVED AND ADOPTED this 7 day of July, 2003.

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

Wm. L. McDowell, Chairman
William J. Byrd, Member
Mike Shelton, Member

ATTEST:

Elaine Marlow, Clerk of the Board

[Exhibit A placed on file with the Clerk of the Board]

RESOLUTION #C-68-03 /PLG-013-03 INCORPORATING THE SERVICE AREA FOR THE PONDILLA ESTATES WATER SYSTEM INTO THE ISLAND COUNTY COORDINATED WATER SYSTEM PLAN

By unanimous motion, the Board approved Resolution #C-68-03/PLG-013-03 Incorporating the Service Area for the Pondilla Estates Water System into the Island County Coordinated Water System Plan.

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

IN THE MATTER OF INCORPORATING)	
THE SERVICE AREA FOR THE PONDILLA)	RESOLUTION C-68-03
ESTATES WATER SYSTEM INTO THE)	PLG-013-03
ISLAND COUNTY COORDINATED WATER)	
SYSTEM PLAN.)	

WHEREAS, the Pondilla Estates water system was lawfully established prior to the adoption of the Island County Coordinated Water System Plan; and

WHEREAS, the Pondilla Estates water system is not proposing to expand their water system service area rather it is proposing to incorporate the existing service area into the Island County Coordinated Water System Plan; and

WHEREAS, pursuant to WAC 197-11-800(4)(b) appropriations of 2,250 gallons per minute or less of ground water are exempt from SEPA review, **NOW, THEREFORE**,

BE IT RESOLVED by the Board of Island County Commissioners that the Pondilla Estates water system service area is hereby incorporated into the Island County Coordinated Water System Plan.

APPROVED AND ADOPTED this 7 day of July, 2003.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
Wm. L. McDowell, Chairman
William J. Byrd, Member
Mike Shelton, Member

ATTEST: Elaine Marlow
Clerk of the Board

[Exhibit A placed on file with the Clerk of the Board]

FINAL APPROVAL - PLAT ALTERATION OF PASSAGE VIEW ESTATES SHP 169/03 - ALTERATION OF DEDICATED SEPTIC EASEMENTS & COMBINATION OF LOTS 14 & 15

Final approval of Plat Alteration of Passage View Estates SHP 169/03, Assessor's Parcel S7674-00-00014-0, S7674-00-00015-0, S7674-00-00016-0, alteration of dedicated septic easements and combination of lots 14 and 15, was presented by Jeff Tate, Assistant Director, Planning & Community Development. The proposal was more specifically described by Mr. Tate in a memorandum dated this date, including a brief description of the proposed changes:

- Change lots 14 & 15
- Change existing drainfield easement that currently serves lot 14 to serve lot 16
- Move septic effluent easement line that serves lot 16. Septic effluent easement is currently located along the shared property line of lot 14 and 15. Since this lot line will disappear as a result of the lot combination the easement is proposed to move to the west side of lot 15
- Change existing drainfield easement that currently serves lot 16 to serve lot 15.

Mr. Tate confirmed that proposed changes were consistent with Chapter 17.03 ICC and all other applicable Planning, Engineering and Health codes, and recommended approval of SHP 169/03.

By unanimous motion, the Board gave final approval of Plat Alteration of Passage View Estates SHP 169/03, Assessor's Parcel S7674-00-00014-0, S7674-00-00015-0, S7674-00-00016-0, alteration of dedicated septic easements and combination of lots 14 and 15 as presented.

PUBLIC INPUT OR COMMENTS

Michael Mielnik, Chumleigh's Central Casting/Throwback Films, 1624 Dallman Road, Camano Island, requested the Board allow a special exemption and issue an outdoor event permit for an Arts and Music Festival tentatively scheduled for July 25th - 27th on Tyee Grocery property, Camano Island. He is one of the nearest neighbors to the property and wholeheartedly supports the grocery owner's request to have a community accessible venue for performance. An application for a permit will not be considered by the Planning Department because the property is zoned Rural Services and no conditional use permits are allowed for uses not specifically mentioned in that zone. Not only is denial of conditional uses in Rural Service-zoned property capricious, it denies the community an opportunity to come together. Island County has some of the most restrictive and reactionary public assembly laws in the state. Some of the requirements, such as requiring background checks, fingerprints and mug shots of all participants provided to the Sheriff before a permit can even be submitted, he thought may be unconstitutional. Mr. Mielnik suggested public hearings be held to fine tune County laws. Because of timing it is not feasible to accomplish that task before the scheduled event, he requested the Board permit this activity.

Sandra Bartlett, 3325 S.E. Camano Drive, Camano Island, spoke on behalf of herself and husband, Richard Charles Bartlett, Jr. owners of the Bartlett's Tyee Grocery for the last 11 years, asked for approval of the temporary permit for the scheduled event. The property was purchased as Non Residential and was changed several years' ago to Rural Service, limiting the property even more so, as well as devaluing the property.

Lewis Anderson, 206 High Street, Bellingham, sponsor of the event, submitted for the record a packet of information including Petitions signed by approximately 400 people asking to allow temporary use permit for Tyee Grocery and Art Antiques on Land zoned Rural Service for the weekend mentioned. This event was held last year on Camano Island without a permit and there were no problems at all, and brought to the store its biggest season ever. The Art Council is very much behind this effort, as is the Fire Department and the Sheriff's Department. Because the date is quickly approaching for the event, he asked that an exception be made and permit allowed.

Sonja Hall, 1112 Sea Mist Lane, Camano Island, involved in the event last year, commented that it is a wonderful event for families, kids and seniors. Hundreds of people have donated time to make it work, and asked that the County allow the event to take place this year.

Chairman McDowell commented that it was doubtful the Board had the ability under the Island County Code as written to do anything as far as an exemption for the event scheduled to occur this month, but committed to looking into it and would have the Planning Department call. He was aware of the opportunity annually for the County to receive and review proposed changes to the Comprehensive Plan and Development Regulations. Therefore, he suggested to the owners of the grocery that if there is something they think that should be changed to allow more flexibility than the current Rural Service zone, they may wish to submit a request for review of that zoning at the next annual review. As for some of the issues Mr. Mielnik brought up in his comments and also mentioned in his e-mail, if there is a zoning issue or development regulation in particular he is concerned about, he suggested again within the same time frame he may want to bring that to the Planning Department to include in those changes to go before the Planning commission at its annual review to be forwarded for consideration by the Board of County Commissioners.

Gail Barron, 1245 W. Highland Drive, Oak Harbor, called the Board's attention an incident that occurred at her home June 27, 2003 when the mother of her 4-1/2 year old grandson came to her home with several police officers, one a

County Deputy, to remove her grandson from the home. Her concerns were based on her understanding that no one asked the grandson's mother for identification, did not check validity of an out-dated parenting plan; did not check to see if there was a car seat available in which to place her grandson; husband not advised he did not have to surrender the child. Not only was her grandson turned over to her custody on March 7th but also the younger child who was no relation to them. The mother has legal custody of the child pending a hearing. She was also concerned about what motivated officers to even accompany her grandson's mother to her home, questioning if perhaps there was a presumption because of race since her grandson's mother is white. As officers of the law she thought they should have been far more careful to make sure her grandson was safe. She expected those sworn to protect and serve to do just that especially when someone so young and vulnerable is concerned. She felt like those officers in this case participated in that neglect.

Commissioner Shelton was sympathetic to the concerns but noted that the area Ms. Barron was talking about was out of the control of the Board of County Commissioners; a legal issue governed by state law and he suggested she submit her complaint to the Island County Sheriff, a separately elected official.

Chairman McDowell indicated that a summary of Ms. Barron's comments would be prepared and provided to the Sheriff and requested to please respond.

ADOPT-A-ROAD LITTER CONTROL PROGRAM RENEWAL AGREEMENTS APPROVED

By unanimous motion, as presented by Bill Oakes, Public Works Director, the Board approved the following renewals of Adopt-A-Road Litter Control Program agreements:

- Beachwood Community Association; Wilkinson Road from 100 feet north of Herring Street to Witter Road.
- Carl R. & Elizabeth M. Hamlin; Arrowhead Road from Utsalady Road to Lindsey Road.

CZM310 GRANT AGREEMENT #G0400019 ISLAND COUNTY & WASHINGTON STATE DEPARTMENT OF ECOLOGY - DEER LAGOON PROPERTY ACQUISITION

CZM310 Grant Agreement #G0400019 [PW0320-89] Island County & Washington State Department of Ecology for the Deer Lagoon Property Acquisition, work order #113 in the amount of \$1,400,000 was approved by unanimous motion of the Board, with State Share of \$800,000; NOAA Assistance in the amount of \$592,000 and County Share \$8,000.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUBRECIPIENT AGREEMENT – PW0320-72; ISLAND COUNTY AND SOUTH WHIDBEY COMMONS; ACCOMPLISH SCOPE OF WORK FOR INTERGENERATIONAL COMMUNITY FACILITY

Item pulled from the agenda.

HEARING HELD: FRANCHISE #140 – CHANGE OF NAME TO COMBINED WATER SYSTEM FOR EXISTING WATER DISTRIBUTION SYSTEM CHANGE OF NAME; BRENTWOOD, ROCKY POINT HEIGHTS, UTSALADY POINT TRACTS, CAMANO ISLAND

As advertised, the Chairman opened a public hearing at 10:20 a.m. for the purpose of considering Franchise #140 a name change to the "Combined Water System" an existing water distribution system in Brentwood, Rocky Point Heights, Utsalady Point Tracts, Camano Island, Secs. 23/24, Twp 32N, R 2E..

Mr. Oakes reported in favor of approval of the franchise as requested. Richard K. Snyder, P.E., County Engineer, in a memo dated June 9, 2003, reported no plans for expansion of current system; that the Prosecuting Attorney's office had

reviewed and approved the document As to form, and also had been reviewed and approved by Risk Management. Based on that Information, he recommended granting approval of the franchise as submitted.

Judy Harmon, appearing on behalf of her husband Lee Harmon, Combined Water System/Brentwood Homeowners Association, spoke in support of the name change to Combined Water System and confirmed no other changes. The request came about as the result of confusion in the name, Rockywood, since there is no such thing as Rockywood.

By unanimous motion the Board approved Franchise #140 a name change to Combined Water System for an existing water distribution system in the Brentwood, Rocky Point Heights, Utsalady Point Tracts area of Camano Island, Secs. 23/24, Twp

There being no further business to come before the Board, the meeting adjourned at 10:25 a.m., with the next regular meeting scheduled for July 14, 2003 at 9:30 a.m.

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

Wm. L. McDowell, Chairman _____

William J. Byrd, Member

Mike Shelton, Member

ATTEST:

Elaine Marlow, Clerk of the Board