

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION – JULY 21, 2003

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on July 21, 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, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the meeting held on July 14, 2003.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #169306-169555.....\$255,348.13.

By unanimous motion, the Board approved the payroll as follows:

- July 15, 2003 regular payroll for the pay period June 16-30, 2003
- July 13, 2003 special payroll for retro pay to members of the Deputies Sheriff's Guild

Veterans Assistance Fund Claim #V3-10 in the amount of \$762.05 was approved by unanimous motion of the Board, as recommended by the Veterans Assistance Review Committee [*emergency financial assistance to certain eligible veterans; the names and specific circumstances confidential*].

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorization:

Dept.	PAA #	Description	Position #	Action	Eff. Date
Superior Ct.	060/03	Court Administrator	2001.00	Replacement	7-21-03

WASHINGTON STATE ARCHIVES 2003-2005 LOCAL RECORDS GRANT APPLICATION

Washington State Archives 2003-2005 Local Records Grant Application in the amount of \$20,000, prepared by the Island County Records Manager, was approved by unanimous motion of the Board for submittal. Island County as recipient of the grant funds would be able to meet one of its foremost Record Management Program goals, the identification and preservation of records of vital and historical significance and importance, in particular, the minutes and proceedings of the Board of Island County Commissioners for the last 150 years.

APPLICATION FOR SPECIAL OCCASION LIQUOR LICENSE # 092063 BY THE FORGOTTEN CHILDREN'S FUND FOR SPECIAL OCCASION

Application for Special Occasion Liquor License #092063 by the Forgotten Children's Fund for special occasion to be held August 23, 2003, from 1:00 p.m. to 9:00 p.m. at the M-C Ranch located at 5264 Shore Meadows, Freeland, was approved by unanimous motion of the Board after having received review by appropriate County departments.

AMENDMENTS C & D TO INTERLOCAL AGREEMENT BETWEEN ISLAND COUNTY AND I-COM #EM-03-009 FY2003 OPERATIONS CONTRACT

Amendments C and D to the Interlocal Agreement between Island County and Island County Emergency Services Communication Center, funded through State Intergovernmental Agreement with Island County #EM003-009 Amendment C and D, were approved by unanimous motion of the Board as follows:

- Interlocal Agreement #EM-03-009 Amendment C FY2003 Operations Contract, with Amendment Amount \$ 37,616 for new total contract of \$205,786, subject to the following corrections, to be initialed by the Board and Scott Rhine, I-COM (RM-BOC-02-0070):
 - Sec 3, Capital Items Priority 3, change from \$0 to ~~42,000~~ \$74,175, an increase of ~~\$42,000~~ \$74,175.
 - C 3.0 CAD Maintenance, change from \$0 to ~~\$42,600~~ \$42,660, an increase of ~~\$42,000~~ \$42,660.
- Interlocal Agreement #EM-03-009 Amendment D FY2003 Operations Contract; Amendment Amount \$50,000 for new total contract of \$255,786 (RM-BOC-02-0070)

APPROVAL OF CONSERVATION FUTURES PROJECTS FOR 2003 CYCLE

Subsequent to staff session review with the Board on July 9, 2003, Lee McFarland, GSA Assistant Director, brought to the Board the matter of approving funding for Conservation Futures projects for the 2003 cycle. The Board by unanimous motion approved for funding the following Conservation Futures Projects for the 2003 cycle:

1. Oak Harbor Trail Head
2. Heller-Crosby Marsh conditioned that before final approval the appraisal comes back to the Board of Island County Commissioners for final review.
3. Davis Slough Heron Rookery, subject to agreement, between Island County, Whidbey-Camano Land Trust and the Washington State Department of Fish and Wildlife, concerning ownership and conservation easements.
4. Utsalady Bay Beach Acquisition.

Amounts approved to be funded by Conservation Futures Fund for the aforementioned projects, contingent on receipt of matching funds for Utsalady Bay Beach Acquisition and the Davis Slough Heron Rookery, and the appraisal for the Heller-Crosby Marsh, are:

Oak Harbor Trailhead	\$ 60,000
Heller-Crosby Marsh	Subject to appraisal being received and reviewed by the Board of Island County Commissioners
Davis Slough Heron Rookery	\$255,000
Utsalady Beach Acquisition	\$125,000.

IAC PROJECT AGREEMENT #91-264C AMEND. #4 - ENGLISH BOOM WATERFRONT TRAIL

Amendment 4 to IAC Project Agreement #91-264C [RM-PARK-98-0006] for English Boom Waterfront Trail reducing the scope of the project to reflect the work accomplished, was presented for approval by Lee McFarland. He reported that the original 1997 grant was a combination purchase and construction grant, and that after purchase a court order declaring Morris road a county road all the way to the English Boom property was determined incorrect and access was disputed. That, along with a lack of access to the upland portion of the property, delayed construction and other projects became a priority. Because of the lack of progress on this project IAC became reluctant to grant a further extension to the contract. He agreed with amending the agreement which will free up funds for other projects with higher priority.

By unanimous motion, the Board approved Amendment 4 to IAC Project Agreement #91-264C for English Boom Waterfront Trail reducing the scope of the project to reflect the work accomplished.

HEALTH DEPARTMENT CONTRACTS

By unanimous motion, the Board approved the following Health Department contracts:

- Center for Community Support-Developmental Disabilities, Contract #HS-09-01(3), the amendment in the amount of \$<11,417> for new contract total: \$61,923;

- DSHS/DASA-AL/SA Treatment & Prevention Contract #8283-0 in the amount of \$1,050,696.

PUBLIC INPUT OR COMMENTS

David Gladstone, Camano Island, addressed the Board on a subject of concern, the United States Army Space Missile Defense Command proposed Everett-based test X-Band Radar (SBX). He provided to the Board a CD on the Ground-Based Midcourse Defense (GMD) Extended Test Range (ETR) Final Environmental Impact Statement July 2003. He noted that a number of people on Whidbey and Camano were opposed to this because of a number of different facets, not the least of which is radiation.

Rufus Rose, Clinton, submitted a letter to the Board with the following points:

1. *Tom Roehl was a genuine and irreplaceable hero to his family and to thousands of us living in Island County.*
2. *It is altogether fitting that Tom Roehl's numerous and unique contributions to Island County be publicly recognized in the place where he made so many of those contributions.*
3. *I ask that the Board of Island County Commissioners name the Island County Courthouse Annex the 'Thomas J. Roehl Building' and that a plaque outlining his service to Island County be placed conspicuously in that building.*
4. *I am assembling a list of citizens supportive of this request. If necessary I will solicit money donations to pay the costs involved.*

Mr. Rose attended the Saturday memorial where Commissioner Shelton read the Board's resolution in the matter of adopting an Island County Proclamation recognizing the contributions of Thomas J. Roehl, and was appreciative of that action on the part of the Board. [*Resolution #C-71-03 approved by the Board at Staff Session on July 16, 2003; placed on file with the Clerk of the Board*].

HEARING SCHEDULED: RES. #C-72-03/R- 29-03-PETITION TO VACATE PORTION OF COUNTY ROAD R/W KNOWN AS SHORELINE DRIVE, CAMANO ISLAND

Resolution #C-72-03/R-29-03, Petition to vacate a portion of County road right-of-way known as Shoreline Drive, Camano Island, by Petitioners Dean & Dianne Pachosa, et.al., located in the Plat of Tyee Beach, Division No. 2, Sec. 11, Twp. 30N., Rge. 3E, was set for Public Hearing by unanimous motion of the Board for August 19, 2003 at 2:40 p.m. at the Island County Camano Community Center.

PARTIAL RELEASE OF EASEMENT - WHIDBEY TELEPHONE COMPANY & ISLAND COUNTY, ROBERT & GLENDA MICHAEL AND FRANKLIN BILLERA

Partial Release of Easement was approved by unanimous motion of the Board, one, between Whidbey Telephone Company, Island County and Robert & Glenda Michael (Parcel R23017-033-5040) and the second, between Whidbey Telephone Company, Island County and Franklin Billera (Parcel R23020-498-5040) related to Old County Road project under Work Order #359. As explained by Bill Oakes, Public Works Director, this vacates easement rights for Whidbey Telephone Company over the old section of right-of-way and moves those rights to the new right-of-way.

AMENDMENT 2 (FINAL) – PW0020-14(B); ISLAND COUNTY & DEPARTMENT OF ECOLOGY - GLENDALE CREEK RESTORATION PROJECT

The Board by unanimous motion approved Amendment 2 (Final) #PW0020-14(B) between Island County and the State Department of Ecology under Loan #L0000023, Glendale Creek Restoration Project, representing a reduction in loan amount from \$645,000 to \$380,000 and a revised repayment schedule.

CONTRACT – PW-0320-90; ISLAND COUNTY & KMD ARCHITECTS & PLANNERS, PC - JUVENILE DETENTION CENTER DESIGN

The Board approved by unanimous motion Contract #PW-0320-90 between Island County and KMD Architects and Planners, PC, for Juvenile Detention Center professional architectural and engineering services under work order #306 for contract amount of \$455,637.00.

HEARING HELD: RESOLUTION #C-63-03/R-24-03 - FINAL ORDER OF VACATION – PORTION OF COUNTY ROAD R/W KNOWN AS SARATOGA ROAD

A Public Hearing was held at 10:20 a.m. as scheduled and advertised for the purpose of considering Resolution #C-63-03/R-24-03 Final Order of Vacation of a portion of County road right-of-way known as Saratoga Road, Whidbey Island, located in Section 29, Township 30 N., Range 2 East, W.M. The report of the County Engineer provided to the Board on June 23, 2003, showed that the road should be vacated, is no longer of use, and not advisable to preserve the same for a general road system in the future, and that the public will be benefited by the vacation. The acreage proposed for vacation is 0.94.

Petitioners, Dale and Joani Boose, property owners at 4055 Saratoga Road, spoke in support of the vacation. They purchased 10 acres shown on the map in yellow; the south line abuts north of the Saratoga Woods Preserve. Their intention is to keep the property as private nature preserve. In 1972 the County bought the property for additional right of way in anticipation of a road project but shortly after for whatever reason the project was canceled and that property no longer needed.

Richard Cannon, representing The Saratoga Trust, attended the hearing as the owner of parcel 397.160, interested in information about the proposal and had some questions. On the proposal received, a dotted line shows the right-of-way line and he asked what was happening in the portion from the right-of-way up to that line since that area abuts his property and there have been no trespassing signs put up and appears to be a survey.

Mr. Boose explained intent was to preserve the property as nature preserve. He had no trespass and no hunting signs placed around the periphery. In response to a letter written to the County, the County Road Department sent out a survey crew to mark the property line with red flags.

Mr. Oakes reported there was no road project going on in that area.

When Mr. Cannon purchased the property legal documents showed the property lines on adjacent properties. There was some confusion looking at the map and the subject property highlighted in yellow since he understood that was already privately owned. He was interested to know if vacated, how that would affect maintenance of the road in the future. He has some concern too about current drainage problems as a result of road construction.

Chairman McDowell explained that the parcel has its own parcel number; a separate parcel owned by the County; it does not divide parcels because there are parcel numbers on both sides of the right of way. The purpose of the hearing was to sell the property back [vacate] to the prior ownership and he did not see how it would affect maintenance of the road at all.

Mr. Oakes commented that there is still a public easement over that portion of Saratoga Road and Saratoga Road would continue to be maintained. As for Mr. Cannon's question about the property down from the dotted line moving eastward toward what would be the right of way of the road, Mr. Oakes confirmed that remained as County right-of-way.

Mr. Boose clarified for Mr. Cannon his intent to maintain the same access located three or four feet north of where Mr. Cannon's property abuts it. The Boose's own GL4.

Rufus Rose thought it logical that the property receive the vacated portion as proposed but inquired as far as the County receiving appropriate reimbursement. Commissioner Shelton confirmed that Fair market

Value of the property to be vacated is \$4,398.00 to be paid by Mr. And Mrs. Boose along with all costs and expenses incurred by the county in the proceedings, totaling \$4,626.19.

By unanimous motion the Board approved Resolution #C-63-03/R-24-03 Final Order of Vacation of a portion of County road right-of-way known as Saratoga Road, Whidbey Island, located in Section 29, Township 30 N., Range 2 East, W.M.

**In the Matter of the Petition of
Dale and Joani Boose**

**Resolution No. C- 63 -03
R- 24 -03**

Final Order of Vacation

For the Vacation of a County Road

**known as the Saratoga Road located in the
North Part of Section 29, Township 30N Range 3E, W.M.**

The Board having on the 21st day of July, 2003, ordered the vacation of said road upon payment by the principal petitioner(s) of all costs and expenses incurred in the proceedings, and said costs and expenses, amounting to the sum of \$ 4,626.19 (excludes \$500.00 paid on 11-18-02), having been paid to the Treasurer of this county on the _____ day of _____, _____.

It is Ordered by the Board, all the members concurring, that the county road petitioned to be vacated by Dale and Joani Boose and others, be vacated as follows:

A track of land in Government Lot 4, Section 29, Township 30 North, Range 3 East, W.M., more particularly described as follows:

Beginning at a concrete monument marking the Northwest corner of the Plat of Panoramic Vista, recorded in Volume 6 of Plats, page 65, records of said Island County, from which a concrete monument marking the Southwest corner of said plat bears S 0°55'45" W; thence N 0°55'45" E along the West line of Government Lot 3 of said Section 29, a distance of 200.00 feet, more or less, to the Northwest corner of said Government Lot 3 and the TRUE POINT OF BEGINNING; thence N 89°37'47" W along the South line of Government Lot 4, said Section 29, a distance of 74.43 feet to a point 40.00 feet left of the proposed centerline relocation of Saratoga Road as measured radially thereto; thence parallel to said centerline and along the arc of a curve to the Northwest, the radius point of which bears S 85°17'56" W a distance of 914.93 feet, through a central angle of 34°41'10", an arc distance of 553.89 feet; thence N 39°23'41" W, parallel to said centerline to the Northerly margin of that tract of land conveyed to George A. and Lillie L. Collett by Warranty Deed recorded under Auditor's File No. 75907, records of said Island County; thence Easterly along said Northerly line to the existing centerline of Saratoga Road; thence Southeasterly along said centerline to the South line of said Government Lot 4; thence N 89°37'47" W along said South line to the TRUE POINT OF BEGINNING.

Said tract contains 0.94 acres, more or less.

Done this 21 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

**ORDINANCE #C-73-03/PLG-003-03 ADOPTING AMENDMENTS TO ICC 16.19.100 ESTABLISHING
TIMELINES TO ISSUE DECISIONS ON SUBDIVISIONS
AND SHORT SUBDIVISIONS**

- Ordinance #C-73-03 (PLG-003-03) In the matter of adopting amendments to ICC 16.19.100 Establishing Timelines To Issue Decisions On Subdivisions and Short Subdivisions, was presented by Phil Bakke, Planning and Community Development Director.

The Planning Commission held public hearings on May 13 and June 3, 2003, and recommended approval June 3rd. The Board can today choose to accept the recommendation, remand it back to the Planning Commission, or hold its own public hearing. The Ordinance is technical in nature in that it corrects an unintentional inconsistency between the provisions of ICC 16.19.100 and RCW 58.17.140 with regard to the deadlines for short subdivision and subdivision applications.

- By unanimous motion, the Board approved Ordinance #C-73-03 (PLG-003-03) In the matter of adopting amendments to ICC 16.19.100 Establishing Timelines To Issue Decisions On Subdivisions and Short Subdivisions. [GMA record #7392]

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

IN THE MATTER OF ADOPTING)
AMENDMENTS TO ICC 16.19.100)) **ORDINANCE C-73 -03**
ESTABLISHING TIMELINES TO ISSUE) PLG-003-03
DECISIONS ON SUBDIVISIONS AND SHORT)
SUBDIVISIONS)

WHEREAS, Chapter 16.06 ICC, the Island County Land Divisions and Dedications Ordinance, was adopted in 1998 to govern land divisions in Island County and was expressly intended to implement Chapter 58.17 RCW; and

WHEREAS, Chapter 16.19 ICC, the Land Use Review Process, was substantially amended, also in 1998, to implement changes to the land use permit review process to comply with the 1995 Regulatory Reform Act (HB 1724); and

WHEREAS, the provisions of ICC 16.19.100 as amended regarding final decisions can be construed to conflict with the provisions of RCW 58.17.140 with regard to the time deadlines for making preliminary subdivision decisions and final decisions on short subdivisions and subdivisions; and

WHEREAS, Island County did not intend to create an inconsistency between the provisions of ICC 16.19.100 and those of RCW 58.17.140 with regard to the deadlines for short subdivision and subdivision applications; and

WHEREAS, such a clarification is remedial in nature and should therefore be effective for all short subdivision and subdivision applications submitted to Island County on or after the date of adoption of this ordinance; and

WHEREAS, the amendment to the land use permit review process was reviewed and recommended for adoption by the Island County Planning Commission in public hearings on May 13, 2003 and June 3, 2003; and

WHEREAS, pursuant to ICC 16.14C.180 and WAC 197-11-800(20), the County SEPA official has determined that the proposed changes to ICC 16.19.100 are procedural actions exempt from SEPA review; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the proposed amendment to ICC 16.19.100 establishing timelines to issue decisions on short subdivisions and subdivisions attached hereto as Exhibit A, to be effective immediately. Material stricken through is deleted and material underlined is added.

APPROVED AND ADOPTED this 21 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

APPROVED AS TO FORM:

David L. Jamieson, Jr.
Deputy Prosecuting Attorney
& Island County Code Reviser

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

REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

Auditor

Suzanne Sinclair, Island County Auditor, submitted her written report for the period 1 June – 30 June, 2003 with the following notes: low percentage of Current Expense revenues which has to do with grants; and lines 24, 25, 29 and 34 have to do with reimbursements billed but not yet received.

Treasurer

Linda Riffe, Island County Treasurer likewise submitted a written report for the same period representing cash revenue/budget – Current Expense. Only two things stood out for comment: (1) line 39 Sales & Use Tax interest down significantly; and (2) line 53 interest expense shows \$20,915.95 for interest paid for refunds on property tax adjustment and reevaluations from 1991 and 2001 credited to interest expense rather than interest income. That was posted to the wrong fund and next month's report will correctly show that as interest income for year to date. Investment interest is dismal; the banks are paying an interest rate of only .80 and .90; for a year or more 1.0 or 1.1 for State Pool.

Follow up: Further research by Treasurer and Budget Director into Sales & Use Tax Interest.

EXECUTIVE SESSION ANNOUNCED

Chairman McDowell announced that the Board would meet this morning at 10:50 a.m. in Executive Session as allowed under R.C.W. 42.30.110 (1) (c) to consider minimum price at which real estate will be offered for sale or lease. The Executive Session will be held in Conference Room #218, Courthouse Administration Building. No announcement expected as a result of Executive Session.

With no further business to come before the Board, the meeting adjourned at 11:30 a.m. at the conclusion of the Executive Session. The next regular meeting of the Board will be on July 28, 2003 beginning at 11:30 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