

**BOARD OF ISLAND COUNTY COMMISSIONERS MEETING AND DIKING**  
**IMPROVEMENT DISTRICT NO. 4 – MARCH 28, 2005**

The Board of Island County Commissioners convened in regular session at 11:00 a.m. on March 28, 2005 for a roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room (Room #102B), Island County Annex, 1 NE 6<sup>th</sup> Street, Coupeville, Wa. Other topics for the regular session followed at 1:30 p.m. as outlined on the agenda.

**ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS**  
**AND APPOINTED DEPARTMENT HEADS**

Elected Officials and Appointed Department Heads Attending

Greg Banks	William J. Byrd	Robert Bishop	Sharon Franzen	Mike Hawley
Betty Kemp	Elaine Marlow	Don Meehan	Tim McDonald	Mike Merringer
Wm. L. McDowell	Mike Shelton	Bill Oakes	Linda Riffe	Dan Sherk
Dick Toft				

Other County Staff:

Edie Elerick, Planning & Community Development  
Maggie Paczkowski, District Court  
Jan Smith, Sheriff's Department

Public Records Disclosure

Greg Banks gave a very informative power point presentation on Public Records Disclosure using information compiled from statutes, laws and the MRSC. Each Roundtable participant was given a hand-out to use as a handy reference sheet summarizing everything you need to know to get through a public records request. He will shortly provide via e-mail a copy of his power point presentation and other documents from this presentation to Elected Officials and Appointed Department Heads.

Summarizing the importance to comply with the Public Disclosure Act:

- Must respond to the request within **five (5) business days**, in writing
  - response can provide for access or copies of the record
  - response can acknowledge receipt of the request and provide an estimate of the time needed to produce the records
  - there are permissible reasons for taking more than five days to actually produce the records but “too busy” is not an acceptable response
  - can ask the requester to clarify a vague request
  - failure for responding properly can mean up to \$100/day plus attorney fees
- Primary exemptions are listed in RCW 42.17.310, and other disclosure prohibitions are located in numerous places throughout state statutes
  - That portion of a document that is exempt should be redacted
  - Agency must provide a statement of the specific exemption and brief explain how the exemption applies to the record withheld
- Offices should review the Island County Public Record Procedures adopted by the Board of Island County Commissioners in 1995 [which should be posted in each office]

**BOARD OF ISLAND COUNTY COMMISSIONERS MEETING AND DIKING  
IMPROVEMENT DISTRICT NO. 4 – MARCH 28, 2005**

Any questions or assistance, contact the Prosecutor's Office. Will research and provide further information as far as how the various committees, commissions, etc. records apply to the PDA.

**Information Guide/Map.** Dick Toft on behalf of Central Services, provided a hand out being drafted by that Department, prepared as an informational hand out to citizens who come to the Courthouse looking for a particular office or service. This is a rough draft and Officials and Department Heads are asked to review and provide any feedback [suggestions, additions, deletions, etc.] to Jenean Nettlebeck.

**Assessor.** Hand-out of facts and figures from the Assessor's Office showing year end 2004 notes and statistics related to exemption programs, current use programs, new construction, improvements to property, total value personal property, levy rates, as well as Board of Equalization information.

**Maintenance.** Please keep in mind when you make a request to store something at Main Street Building, that whatever it is will have to be moved again in a month.

*[copies of all hand-outs and presentations have been placed on file with the Clerk of the Board]*

*Roundtable scheduled for April 25<sup>th</sup> at 11:00 am.*

Other topics for the Regular Board session followed at 1:30 p.m. as outlined on the agenda, as well as for Diking Improvement District #4. This portion of the meeting opened with the Pledge of Allegiance. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd were present. By unanimous motion, the Board approved minutes from previous meetings: March 21, 2005 Regular Session; March 21, 2005 Special Session; and March 23, 2005 Special Session.

**VOUCHERS AND PAYMENT OF BILLS**

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

Voucher (War.) #209523 - 209819 .....\$263,435.89.

Veterans Assistance Fund. Claim #V5-2 was denied by unanimous motion of the Board, as recommended by the Veterans Assistance Review Committee *[emergency financial assistance to eligible veterans; names and specific circumstances are confidential]*.

**APPOINTMENT TO EBEBY'S LANDING NATIONAL HISTORIC RESERVE TRUST BOARD**

By unanimous motion, the Board appointed Marilyn Clay, Coupeville, to serve as a member on the Ebey's Landing National Historic Reserve Trust Board, refilling Position #5 left vacant following the resignation of Benye Weber, for a term to run until October 1, 2007.

**STAFF SESSION SCHEDULE, APRIL, 2005**

The Board by unanimous motion approved the April Staff Session schedule outlining the regular staff sessions to be held on April 6<sup>th</sup> and April 20<sup>th</sup> beginning at 9:00 a.m.

**CONTRACT #HD-04-05 - INTERLOCAL AGREEMENT - SNOHOMISH  
HEALTH DISTRICT FOR REGION 3 AIDS SERVICE NETWORK**

Interlocal Agreement, Contract #HD-04-05 (RM-HLTH-99-0014) with Snohomish Health District for Region 3 AIDS Service Network funding for AIDS/HIV Program in Island County, in the amount of

**BOARD OF ISLAND COUNTY COMMISSIONERS MEETING AND DIKING  
IMPROVEMENT DISTRICT NO. 4 – MARCH 28, 2005**

\$69,933 was approved by unanimous motion of the Board.

**LIQUOR LICENSE APPLICATIONS**

Based on recommendations and conditions from appropriate County staff, the Board by unanimous motion approved the following Liquor License Applications for forwarding to the Washington State Liquor Control Board:

- New Application for Liquor License # 087679-3C by applicants Michele Ann Mason and Michael Donovan Gilmore for Villa Isola Bed & Breakfast Inn, 5489 Coles Road, Langley, Wa.
- New Application for Liquor License #087652-6C by applicants CDX Ferry Concessions, Inc., CDX Corporation, Michael Cho, Frances Cho, Christine Y. Choe, and Hak C. Kwon for Ferryboat Café, Clinton Ferry Terminal, 64 S. Ferrydock Road, Clinton, Wa.
- Application in Lieu of Current Privilege License #085937-3D by applicants Frosty Bay Seafoods, Inc., Bonnie J. Brindle and Donald D. Brindle for Brindle's Market, 848 North Sunrise Blvd. #C, Camano Island, Wa.
- Application for Special Occasion Liquor License #091070 by Planned Parenthood of Western Washington for a special occasion to be held April 2, 2005, from 6:00 p.m. to 9:00 p.m. at the Community Area located at 5603 S. Bayview Road, Langley, Wa.

**RESOLUTION #C- 31-05 - REVISION TO RESOLUTION #C-20-05 EXHIBIT "A"  
2005 SURPLUS LIST FOR ISLAND COUNTY**

Resolution #C-31-05 in the matter of the Revision to Resolution #C-20-05 Exhibit "A" 2005 Surplus List for Island County was approved by unanimous motion of the Board as presented and recommended by Betty Kemp, Director, GSA.

*[Resolution #C-31-05 placed on file with the Clerk of the Board]*

**MEMORANDUM OF UNDERSTANDING AND MEMBERSHIP AGREEMENT:  
WASHINGTON STATE ASSOCIATION OF COUNTIES, COUNTY  
WORKPLACE SAFETY ALLIANCE**

On presentation and recommendation by Ms. Kemp, Memorandum of Understanding and Membership Agreement with Washington State Association of Counties, County Workplace Safety Alliance for the purpose of a three month renew for the period April, May and June, 2005 (RM-RISK-05-0033) was approved by unanimous motion of the Board.

**PUBLIC DEFENSE CONTRACT THIRD AMENDMENT AND EXTENSION  
BETWEEN ISLAND COUNTY AND CRAIG PLATT**

Public Defense Contract Third Amendment and Extension between Island County and Craig Platt (RM-PD-01-0086) was approved by unanimous motion of the Board, as presented and recommended for approval by Ms. Kemp.

**PUBLIC INPUT OR COMMENTS**

**BOARD OF ISLAND COUNTY COMMISSIONERS MEETING AND DIKING  
IMPROVEMENT DISTRICT NO. 4 – MARCH 28, 2005**

**Ebey's Landing Celebration**

Commissioner McDowell represented the County on Friday, March 25<sup>th</sup> at the Ebey's Landing Celebration where the Director of The Nature Conservancy honored several groups and volunteers for the ELNHR efforts. Especially mentioned was the generous donation by Robert Pratt who specified in his will that a nonprofit land conservation group receive 147 acres of his land, including the bluff at Ebey's Landing and his family chose The Nature Conservancy. At the ceremony, on behalf of Island County, Commissioner McDowell accepted from The Nature Conservancy a framed photograph of Ebey's Landing and plaque as a means to thank the people of Island County, which he now presented to Commissioners Shelton and Byrd, the photograph and plaque will be hung in the Commissioners Hearing Room.

**MRC Presentation.**

Don Meehan, WSU Extension, County Lead for the MRC, Gary Wood, Executive Director, MRC, and Phyllis Kind, Chair, MRC, made a presentation to the Board of County Commissioners.

The Northwest Straits Commission on June 4, 2004 awarded to the MRC a ceremonial paddle "Pulling Together" for leadership in advancing a science-based approach to the restoration and protection of Island County's marine waters by studying forage fish spawning areas, eelgrass beds, shoreline hardening structures and feeder bluffs. Ms. Kind on behalf of the MRC, presented the paddle to the Board of Island County Commissioners. The paddle will be hung in the Commissioners Hearing Room. Mr. Meehan noted that Commissioner McDowell was one of the original convenors of the Northwest Straits Commission in designing the whole concept, and cited this as one of the outcomes.

**Diane Kendy, Langley.**

Speaking as an individual, Ms. Kendy commented on the possibility of a RV lot going in the Clinton area and from an aesthetic point of view would not like to see that particular kind of business in that location. Chairman Shelton had received correspondence in connection with that issue and the Planning Department provided comments and requirements. Ms. Kendy was referred to Planning to obtain a copy of those comments.

**DIKING IMPROVEMENT DISTRICT NO. 4 RESOLUTION #C-32-05/R-13-05 APPROVING  
THE 2005 SCHEDULE OF ASSESSMENTS FOR DIKING IMPROVEMENT DISTRICT NO. 4.**

On presentation and recommendation of Bill Oakes, Public Works Director, the Board by unanimous motion approved Resolution #C-32-05/R-13-05 – In the Matter of Approving the 2005 Schedule of Assessments for Diking Improvement District No. 4.

*[Resolution #C-32-05/R-13-05 on file with the Clerk of the Board]*

**CERTIFICATIONS FOR CALENDAR YEAR 2005 TO  
COUNTY ROAD ADMINISTRATION BOARD**

Annual Certification for Calendar Year 2004 representing the Annual Report to County Road Administration Board and Certification of Road Fund Expenditures for Fish Passage Barrier Removal, were approved by unanimous motion of the Board upon recommendation of Mr. Oakes.

**SUPPLEMENT AGREEMENT NO. 1 – PW-0520-69 - WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION - LOCAL AGENCY AGREEMENT LA2451 - MADRONA WAY  
RECONSTRUCTION**

**BOARD OF ISLAND COUNTY COMMISSIONERS MEETING AND DIKING**  
**IMPROVEMENT DISTRICT NO. 4 – MARCH 28, 2005**

Supplement Agreement No. 1 – PW-0520-69 between Island County and Washington State Department of Transportation, Local Agency Agreement LA2451 for the purpose of increasing funding for the Madrona Way Reconstruction CRP 02-11 was approved by unanimous motion of the Board.

**REQUEST TO VACATE PORTION OF COUNTY ROAD RIGHT-OF-WAY**  
**KNOWN AS IVERSON ROAD**

Request to Vacate Portion of County Road Right-of-Way known as Iverson Road; located in Section 5, Township 31 North, Range 3 East, Camano Island; Petitioners Eugene & Laura Black, was received by the Board and referred back to the County Engineer for review and recommendation.

**HEARING SCHEDULED: CORRECTION TO FINAL ORDER OF VACATION –**  
**ADMINISTRATIVE CORRECTION TO FINAL ORDER OF VACATION R-49-97 -**  
**PORTION OF UNNAMED COUNTY ROAD RIGHT-OF-WAY,**  
**FEEK'S 1<sup>ST</sup> PLAT OF ISLAND HOME FARM**

The Board by unanimous motion scheduled a public hearing for April 25, 2005 at 2:15 p.m. to consider the correction to Final Order of Vacation\_ In the matter of making an administrative correction to Final Order of Vacation R-49-97, portion of unnamed County Road right-of-way, Feek's 1<sup>st</sup> Plat of Island Home Farm.

**QUIT CLAIM DEEDS; PROPERTY VOUCHERS; CONSTRUCTION EASEMENT;**  
**POSSESSION AND USE AGREEMENT - BAYVIEW ROAD, COUNTY ROAD**  
**PROJECT CRP 98-17**

Based on the recommendation of Mr. Oakes, the Board approved the following, all associated with Bayview Road Project CRP 98-17:

- Quit Claim Deed – South Whidbey School District #206, \$8,300.00 (\$7,300.00/land, \$1,000.00/lawn improvements); Parcel 498-0380; Sec. 17, Twp. 29N, R 3E.
- Quit Claim Deed – Alison A. Tabach, \$3,556.00 (\$3,181.00/land, \$375.00/landscaping); Parcel 465-1120; Sec. 8, Twp 29N, R 3E.
- Quit Claim Deed – Nathan A. Buck & Karyle C. Kramer, \$24,613.23 (\$3,268.00/land, \$4,000.00/fencing, \$200.00/metal gate, \$710.00/Christmas tree seedlings, \$250.00/birch tree, \$16,185.23/Administrative Settlement); Parcel 167-5700; Sec. 7, Twp 29N. R 3E.
- Real Property Voucher in the amount of \$24,913.23 to Nathan A. Buck and Karyle C. Kramer, Authorization for Property Acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03).
- Construction Easement\_ PW-0420-27 - Michelle B. & Samir F. Bishai; Parcel 118-0550; Sec. 8, Twp 29N., R 3E.
- Quit Claim Deed – Michelle B. & Samir F. Bishai, \$16,500.00 (\$2,200.00/land, \$10,700.00/landscaping plants, trees, et.al., \$3,60.00/fencing improvements); Parcel 118-0550; Sec. 8, Twp 29N, R 3E.
- Real Property Voucher in the amount of \$16,740.00 to Samir F. and Michele B. Bishai– Authorization for Property Acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03).

**BOARD OF ISLAND COUNTY COMMISSIONERS MEETING AND DIKING  
IMPROVEMENT DISTRICT NO. 4 – MARCH 28, 2005**

**STORMWATER MITIGATION AGREEMENTS – PLAT OF  
HOLMES HARBOR GOLF & YACHT CLUB**

By unanimous motion as presented, the Board approved the following two Stormwater Mitigation Agreements associated with the Plat of Holmes Harbor Golf & Yacht Club:

- #PW-0420-116; Island County and Sandra J. Welch & Kenneth R. Merrell; Lot 16, Block 1, Division No. 5; Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.
- #PW-0520-68; Island County and Gerald A. Wood; Lot 14, Division No. 4; Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp. 29N, R 2E.

**GRANT AGREEMENT #G0500125 - DEPARTMENT OF ECOLOGY - ROGUE  
CREOSOTE LOG REMOVAL PROJECT – DOUBLE BLUFF BEACH**

The Board approved, on unanimous motion, Grant Agreement #G0500125 (PW-0520-142) between Island County and Department of Ecology for Rogue Creosote Log Removal Project at Double Bluff Beach in the amount of \$34,500.00 (State \$34,500.00/County \$-0-), the funding provided as part of Coastal Protection Action.

**ADOPT-A-ROAD LITTER CONTROL PROGRAM AGREEMENT  
RENEWAL - STANWOOD CAMANO ROTARY CLUB**

Adopt-A-Road Litter Control Program Renewal Agreement with Stanwood Camano Rotary Club for the area of East Camano Drive from Short Road to Patricia Ann/Lehman Road Intersection was approved by unanimous motion of the Board.

**RESOLUTION #C-33 -05/PLG-005-05 AMENDING THE DRIFTWOOD  
HEIGHTS #2 WATER SYSTEM SERVICE AREA**

Resolution #C- 33-05/PLG-005-05 Amending the Driftwood Heights #2 Water System Service Area was presented for the Board's consideration by Jeff Tate, Assistant Planning Director. Application received in February for Water System Service Area review proposing a reduction of the service area [shown in Exhibit A to the resolution]. Driftwood Heights Division #2 water system is not capable of providing timely and reasonable water service to newly created lots two and three of a proposed short plat and requests those lots be removed from the service so water service may be provided from another source. Staff recommendation is approval of the resolution as presented.

By unanimous motion, the Board approved Resolution #C- 33-05/PLG-005-05 Amending the Driftwood Heights #2 Water System Service Area.

*[Resolution #C-33-05/PLG-005-05 on file with the Clerk of the Board]*

**REQUEST TO INITIATE CONTRACTS FOR PEER REVIEW PANEL –  
CRITICAL AREA ORDINANCE UPDATE**

As part of the Critical Areas ordinance update, Mr. Tate advised that two peer review panels were being assembled. One panel will consist of members of a variety of different state agencies, to review the work that is done, i.e. draft regulations, studies, etc. an attempt to involve those agencies in the process early on. The second panel will consist of outside technical people who work either privately or in consultant firms. He requested approval to initiate contracts for that second Peer Review Panel with: Adolphson Associates, Inc.; Teresa Lewis; and Parametrix, Inc. and approve the scope of work.

**BOARD OF ISLAND COUNTY COMMISSIONERS MEETING AND DIKING  
IMPROVEMENT DISTRICT NO. 4 – MARCH 28, 2005**

The contracts are between Dearborn & Moss PLLC for consultants to serve on a Peer Review Panel for Island County's update of its Wetlands and Fish and Wildlife Conservation Area Critical Area policies and regulations. Also, periodically, during the County's update, the Consultant will be asked to review and comment on work prepared by County staff and consultants. The work of consultants will be performed at the request of and as a subcontractor to the County's legal counsel, Dearborn & Moss PLLC. All three contracts are capped at not more than \$5,000, but with differing hourly rates: Adolphson, Biologist - \$150.00/hour; Teresa Lewis, Biologist - \$50.00/hour; and Parametrix, Biologist \$130.00/hour.

By unanimous motion, the Board approved the request for Dearborn & Moss PLLC to initiate the three contracts outlined by Mr. Tate, approving the scope of work, with all three contracts to be capped at not more than \$5,000.00 each, with the stated hourly rates.

*Adolphson Associates, Inc. GMA Record #7805*  
*Teresa Lewis GMA Record #7806*  
*Parametrix, Inc. GMA Record #7807*

**FINAL APPROVAL - PLP 320/04 – THE BUNGALOWS AT HOLMES HARBOR**

Carole Croft, Permit Center Coordinator, presented for the Board's final approval PLP 320/04 for The Bungalows at Holmes Harbor, Assessor's Parcel Number #R22903-260-3750, granted conditional preliminary approval on January 3, 2005. Island County staff reviewed the application for final approval and determined that all conditions of preliminary approval had been met. A Declaration of Trust in the amount of \$302,213.86 was accepted by the Board on March 21, 2005 deferring completion of installation of utility and roadway improvements in accordance with the approved engineering plans. Staff recommends that the Board grant final PLP approval.

By unanimous motion, the Board gave final approval of PLP 320/04 for The Bungalows at Holmes Harbor as presented and recommended for final approval.

**SPECIAL SESSION ANNOUNCED**

The Board of Island County Commissioners will meet in Special Session on Tuesday, March 29, 2005, at 3:30 p.m. in the Commissioners' Hearing Room, Island County Annex Building, 1 NE 6<sup>th</sup> Street, Coupeville, Wa. The purpose of the special session is to consider adoption of a resolution authorizing the issuance and sale of limited tax improvement and refunding bonds.

**EXECUTIVE SESSION**

Chairman Shelton announced at 3:00 under provisions of R.C.W. 42.30.110(1)(i) the Board would meet in Executive Session in the Planning Director's Office, Island County Annex Building, 1 N.E. 6<sup>th</sup> Street, Coupeville, to discuss with legal counsel pending litigation. The session was to last approximately 30 to 45 minutes and no announcement afterwards anticipated.

There being no further business to come before the Board at this time, the meeting adjourned at 3:40 p.m. on completion of Executive Session. The next regular meeting of the Board will be on April 4, 2005 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS AND DIKING  
DISTRICT IMPROVEMENT NO. 4 COMMISSIONERS

**BOARD OF ISLAND COUNTY COMMISSIONERS MEETING AND DIKING**  
**IMPROVEMENT DISTRICT NO. 4 – MARCH 28, 2005**  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
Mike Shelton, Chairman

\_\_\_\_\_  
Wm. L. McDowell, Member

\_\_\_\_\_  
William J. Byrd, Member

ATTEST: \_\_\_\_\_  
Elaine Marlow, Clerk of the Board