

**BOARD OF ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
SPECIAL SESSION - FEBRUARY 6, 2007**

The Board of Island County Commissioners met in Special Session on February 6, 2007, beginning at 7:00 p.m., at Camano Senior and Community Center, 606 Arrowhead Road, Camano Island, WA. Mike Shelton, Chairman, Wm. L. McDowell, Member, and John Dean, Member, were present. The Special Session was called for the purpose of continuing the Public Hearing held on December 19, 2006 to consider Franchise #144.

HEARING HELD: APPLICATION FOR FRANCHISE BY TR CAMANO INC.

As scheduled and advertised, the Special Session was called to continue the Public Hearing held on December 19, 2006 to consider Franchise #144 (PW-0620-109) between Island County and TR Camano, Inc. for a Sewer transport system to be located in North Camano Drive, Camano Island, Sections 19 and 20, Township 30 N., Range 3 E.

Attendance:

Staff: Randy Brackett, Assistant County Engineer
Jeff Tate, Assistant Planning & Community Development Director

Applicant: David Platter, TR Camano

Press: Rick Wood, Stanwood/Camano News

Public: Approximately 108 citizens *[Attendance/sign up sheet on file with Clerk of the Board]*

Mr. Brackett explained the purpose of the Public Hearing was a continuation of the December 19, 2006 Public Hearing to consider the Franchise Agreement for TR Camano to use the public right-of-way for the proposed septic sewer system transport line. The Public Works Department determined that a clearing and grading permit was required at the off-site drainfield location since over two acres would need to be cleared. The permit was primarily concerned with construction-related activities such as erosion and water and sediment run-off going off-site onto public right-of-way or onto private property.

Mr. Tate explained that the transport line would connect two pieces of property: the proposed commercial site with the septic drainfield site. A Site Plan Review was submitted on February 16, 2005, along with the SEPA Environmental Checklist. The final Planning & Community Development decision approved some of the proposed commercial uses, but denied the Cultural Center. That decision was appealed through the Hearing Examiner. The land use permit was issued January 3, 2006. The size of the proposed off-site septic system required approval by the State Department of Health which issued approval of the septic system in May 2006. Mr. Tate noted that after the December 19, 2006, Public Hearing the applicant submitted a clearing and grading permit for the drainfield site which included a SEPA Environmental Review. He outlined that if the SEPA 14 day public comment period started on February 20, 2007 and ended on March 6, 2007, the County must issue a decision in one week, (March 13, 2007) to either approve or deny. The applicant or property owners have a two-week period to appeal the decision.

Jane Cassady, Terry Heights Lane, asked clarification on the following: whether the decision was just for the clearing and grading permit or would it include the water or effluent that may daylight in the ditch as well: would that include the trail plans along North Camano? If a public sewer line were proposed for installation within the 25 years of the Franchise would it be permitted if the TR Camano line was already in place?

Mr. Brackett answered that more than one utility could be installed in the road right-of-way.

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Mr. Tate clarified that Public Works would review clearing and grading issues, i.e. erosion, sedimentation, and run-off. The Planning Department's role in an environmental review includes 15-17 different subjects required by state code, ranging from historical preservation, esthetics, land use, ground water, surface water, and habitat. Environmental review does not require that Trail Plans be included, but the Planning Department would consider that if it were included in the County's approved trail plans.

Andy Clark, Cambell Drive, inquired about other like franchises on the Island, who would be responsible in this case to maintain the correct operation of the trunk line and drainfield when the property is sold – will there always be someone held legally responsible for maintenance?

Mr. Brackett indicated there were many other franchise agreements on the Island. The Franchise holder would be the responsible party to maintain the septic line and drainfield. TR Camano could transfer or sub-let the Franchise to another entity, but the Franchise Agreement would have to be approved by the County. A Franchise is required when a utility runs in a public right-of-way when it is 500 feet in length or longer per Chapter 12.16 of the Island County Code. The Agreement establishes the Franchise holder's responsibilities in terms of operating the utility in the public right-of-way. The specifics of the construction, maintenance, and installation of the utilities in the right-of-way would be reviewed in more detail when a permit to build within the right-of-way occurs. The plans and details would be submitted for review such as the type of piping, depth of bury, etc., before approval of the permit to install the utility. Mr. Brackett noted the proposed septic line was approximately 3,750 feet long. Public Works recommends approval of the Franchise Agreement which would be valid for 25 years.

Chairman Shelton clarified that the Board would open the public comment portion to "process questions" this evening, and committed that the Board would take public comments again in the final hearing after the SEPA process has been completed. All previous public comments are a matter of public record.

Responding to a question from Steve Osborn, Sunset Drive, about whether the grading permit and environmental impact processes would be completed before construction is allowed to begin, Chairman Shelton gave assurance that the project would not go forward on the drainfield site until the permitting process has been completed.

In response to Mary Hughes, Rainbow Lane, who asked whether the environmental impact would be reviewed for only the recipient area of the effluent or the entire area of travel of the effluent, Mr. Tate stated that the County would consider the environmental impacts on the whole project. An environmental review was done by the County on the commercial site, but the County assumed the State Department of Health would have done the environmental review on the drainfield site since they were the approving agency for the septic system. The County is now conducting an environmental review on the drainfield site as well.

Allison Warner, Dove Drive, believed drainage review needed to be done prior to issuance of a grading permit as well as prior to the Board voting on the Franchise. She clarified the permit granted to TR Camano at the Bayview Park Development was for approximately 300 gallons per day, but the drainfield site itself approved for 13,500 gallons a day. She asked if the Franchise approval would be tied to a specific number of gallons per day.

Mr. Tate concurred that it was an element of the environmental review. Mr. Brackett clarified that drainage from the standpoint of contours of the land and identifying and evaluating rainfall were a part

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of the grading permit.

Kim Brook, Terry Heights Lane, asked whether anyone had been to the site to see the changes since the drainfield permit had been issued. Noting that more water was flowing down the hill, and had overflowed into her yard twice this year, she is concerned what will happen to her well and property. She expressed concern as well that the State and County did not seem to be working together. Since some installation along the State Highway had already taken place it would be hard to stop it, and if not done right, hard to clean up. She had not seen anyone testing the soils since 2001 and felt it should be done again.

Mr. Tate stated that the County was just starting the environmental review process and some of her concerns would be considered in that process.

Mr. Brackett explained that the drainfield has two Phases: Phase I is the existing structures the applicant had applied for now; Phase II is a larger phase for future development. The applicant proposed a 4" main sewer pipe line from North Camano Drive to Terry Heights intended for the larger build-out including both Phase I and Phase II. The County will be making best use of the public right-of-way by approving the Franchise for the ultimate build-out by allowing the one line as opposed to two sewer lines.

Cody Bearden, 863 Granite Lane, understood that the Franchise would be granted before any of the septic system was engineered or designed or installed, therefore worried about what happens if the system failed. He questioned about requirements to revoke the Franchise, and inquired whether the Board was aware of the number of new engineered systems that have already failed in the County due to insufficient manpower to inspect or correct.

Mr. Brackett stated that Franchise approval must be in the public interest which includes consistency of the proposed use with the Island County Comprehensive Plan. If the Franchise holder does not perform appropriately, the Franchise can be canceled at any time. The septic plan was submitted in conjunction with the Franchise Agreement application. The required Work in the Right-of-Way Permit will include the details of the construction of the sewer line.

Anthony Ford, Aqua Vista Lane, asked whether precedence had been set to approve a Franchise prior to approving the eventual permit for clearing and installation; will the system be designed so it can be hooked into a public sewer system later; and does the County require a bond to be posted for the successful completion of the project.

Mr. Brackett stated that the Franchise is approved prior to installation of the utility; there would be no authority to put in a line until the Franchise Agreement is in place. Actual details of the sewer line installation are reviewed through the Work in Right-of-Way Permit and a financial instrument makes sure the work is performed. The County would not be reviewing whether this system could be connected to a public sewer system, but it could be a possibility due to some pretreatment of the effluent.

Answering a question from William Booker, Pleasant View Street, about a long term bond covering operation of the drainfield site, Mr. Brackett explained there was liability insurance for \$1 million posted for the Franchise Agreement.

Jane Cassady suggested that the County get a handle on the amount of effluent that would likely daylight with lateral movement before the Franchise was approved, and monitoring should be required.

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Site visits were done in the driest year on record, and the review needs to be done with current conditions. The ditches are full and Kim Brook's property across the street floods out, and after a major rain event, the road washes out. If there is failure it would be on her property her property and her neighbor's property and she did not believe that a \$1 million liability insurance would begin to cover the loss, and thought it was the County's job to address failure before it happens.

Briggs Ekrem, Terry Heights Lane, a resident since 1986, was concerned about the 9 wells in the area and did not believe the liability insurance would not cover the losses. The Chairman clarified that the Board would not grant permission for the Franchise until the SEPA process for the drainfield had been completed.

Dan Millard, Vista Del Monte Street, asked whether the plans for the location of the sewer line were available on Camano. After looking briefly at the plans, he wanted to see the "big picture". He asked questions about the air and relief values and how they were relative to the roadway and maintenance of roadway ditches. He noted valves were needed to minimize loss if there were a break in the line. He had concerns about the type of proposed septic system and the carbon sulfate gases that could be emitted. He asked whether there was a design to mitigate the ground waters traveling down the ditch lines impacting the roadway. The groundwater would take the path of least resistance going down the hill. He thought safety values may appropriate where the installation changes from the state to the county. Mr. Millard noted at the drainfield site, when more groundwater runoff comes onto the site it changes the integrity of the drainfield. The site vegetation is an indicator of a high water table on that site. He asked who will inspect the installation of the septic pipeline and was surprised to learn the developer's Design Engineer was responsible for the inspection. He felt the County needed move oversight during the installation. He also asked about revenue fees for the Franchise.

Mr. Brackett indicated the sewer line plans have been available at the Camano Annex since December 20, 2006. He asked Mr. Millard to type up his notes, because many of his comments and observations would be welcome in terms of the County reviewing the septic line plans. He noted the County could still require valves and other things if they were not addressed in the plan. He stated the County Road Shop District will observe the installation of the pipe in the County right-of-way while the Licensed Professional Engineer was responsible for compliance with the plans. Mr. Brackett stated there was no revenue fees involved.

David Platter encouraged the Board's approval of the Franchise subject to review and approval by the other departments for any other outstanding permits. They have worked on the project for 2 ½ years, invested millions of dollars and have performed in good faith and felt they deserved an answer this evening.

Joan Schrammeck, Scenic Avenue, representing Camano Action for a Rural Environment (CARE) was interested in making sure existing laws are enforced that relate to public safety, water quality, and runoff into Puget Sound. The Franchise would make it possible for 8 acres at Terry Heights to be tuned into a septic drainfield, and believed that the drainfield would dramatically alter the character of the existing neighborhood. This would open the door to large scale high-impact development at the origination of the septic line. According to the Bay View Park website, TR Camano plans 7 buildings on the south side of Highway 532 and on the north side a gas station and 9 additional buildings which could total 100,000 square feet of commercial space. The Franchise is not consistent with the Comprehensive Plan, and the Board should not decide this evening on the Franchise. On behalf of CARE, Ms. Schrammeck submitted a letter dated this date. *[on file with the Clerk of the Board]*.

Ms. Brook asked whether there was an insurance policy on the drainfield portion should it fail, since the

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consequences of that drainfield failing would destroy her home. Chairman Shelton explained that should the drainfield fails the commercial buildings would be vacated because businesses cannot operate without a drainfield.

Mr. Millard asked if the \$1 million insurance policy was for construction process or for the Franchise, and Mr. Brackett provided clarification that the Franchise Agreement itself required the \$1 million insurance to be sustained for the life of the Franchise Agreement; there are also insurance requirements during construction.

Ms. Cassidy was concerned about process of the installation of the septic line and drainfield, concerned whether there would be mitigating conditions around tree retention, slope replacement, vegetation requirements, any design or installation requirements to determine the amount of effluent coming into the already filled ditch, any fecal coliform, nitrates, etc. She asked about public opportunity to comment into the plan review process.

Mr. Brackett stated the plan review process did not include public comment, but he would take her comments and concerns into consideration, as well as other property owners' concerns.

Public input closed at 9:00 p.m.

By unanimous motion, the Board continued the Public Hearing on Franchise #144 (PW- 0620-109) between Island County and TR Camano, Inc. for a Sanitary Sewer Transport System to be located in North Camano Drive, Camano Island, Section 19 & 20, Township 32 N. Range 3 E. to Monday, April 2, 2007, at 10:30 a.m. in the Commissioners Hearing Room, Coupeville, WA.

At the April 2nd hearing date, the Board will set the actual date for another Public Hearing to be held on Camano Island; the final Public Hearing will be held on Camano Island. Answering questions about when the Board will make a decision, and would there not have to be a decision before an appeal could be filed, Chairman Shelton explained there would be an appeal if someone did not agree with the SEPA determination made by the County.

Mr. Tate stated that the Planning Department would issue a threshold determination followed by a thorough review, and a then issue a final determination tentatively scheduled March 13, 2007. The tentative SEPA Process timeline would be as follows, with a notice in the newspaper, and a copy of the file available at the Camano Annex:

February 20, 2007 - March 6, 2007	SEPA 14 Day Comment Period
March 13, 2007	Final SEPA Determination made by County
March 13, 2007 - March 27, 2007	14 Day Appeal Period

Determinations would be one of the following:

DNS	Threshold Determination of Non-Significance
MDNS	Mitigated Threshold Determination of Non-Significance
DS	Threshold Determination of Significance

There being no further business to come before the Board of Commissioners at this time, the meeting adjourned at 9:15 p.m. The Board will meet next in Regular Session on Monday, February 12, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Coupeville, WA,

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BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

John Dean, Member

ATTEST:

Elaine Marlow, Clerk of the Board