

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - MAY 19, 1997

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 21, 1997, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and Tom Shaughnessy, Member, were present. Also in attendance were Margaret Rosenkranz, Auditor/Clerk of the Board, and E. Meyer, Secy. to the Board.

VOUCHERS AND PAYMENT OF BILLS

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The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #3138 - #3379..... \$ 385,544.82.

RESOLUTION #C-23-97 INTENT TO PARTICIPATE: CONSOLIDATED JUVENILE SERVICES 1997 - 1999 BIENNIUM

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Elizabeth McKay, Director, Juvenile and Family Court Services, presented for approval by the Board a resolution of intent to participate in Consolidated Juvenile Services. Funding from this source has been received by Island County through DSHS since the 1970's, and the intent is to provide funds for services to juveniles to keep them in the community and out State juvenile institutions whenever possible. The money primarily is used for counseling, drug and alcohol services, sex offender therapy and specific needs for specific juveniles. Funds are proposed in the amount of \$144,169.00 for the 1997-99 biennium.

By unanimous motion, the Board approved Resolution #C-23-97, Intent to Participate-Consolidated Juvenile Services.

RESOLUTION OF INTENT TO PARTICIPATE

CONSOLIDATED JUVENILE SERVICES

1997 TO 1999 BIENNIUM

RESOLUTION NO. C-23-97

WHEREAS, the Washington Sate Legislature has provided funds for a program of community based services for youths through the Washington State Depart- ment of Social and Health Services, Juvenile Rehabilitation Administration, and

WHEREAS, the Board of County Commissioners believes participation in such a program would benefit Island County and its youth and families,

BE IT RESOLVED that the Board of County Commissioners for Island County intends to participate in a community corrections program and to make application for funds available under the Consolidated Contract. Elizabeth McKay, Administrator, Juvenile and Family Court Services, is authorized to coordinate, certify and make submissions of claims for reimbursement to the Washington State Department of Social and Health Services, Juvenile Rehabilitation Administration. Application will not be made to replace county funds for existing programs.

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

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

ATTEST: Margaret Rosenkranz,
Auditor & Ex-Officio Clerk of the Board

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AFFIRM ASSOCIATE DEVELOPMENT ORGANIZATION DESIGNATION
TO SERVE ISLAND COUNTY

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The Washington State Department of Community, Trade and Economic Development by letter dated May 6, 1997, explained how the Washington Development Network redesigned funding approach will work and asked that counties affirm Associate Development Organizations designated to serve the particular county. CTED requested a "Designation of Associate Development Organization" be completed and returned by June 15, 1997.

John Hitt, Executive Director, Island County Economic Development Council, noted that each ADO would receive \$40,000 per county for the 1997-99 biennium beginning July 1, 1997, to support each ADO's basic economic development activities and services. How each ADO chooses to use the funding may vary by County, and CTED will sign a two year service contract with each designated ADO . The ADO on record for Island County is Island County Economic Development Council.

By unanimous motion, the Board affirmed that the Island County Economic Development Council is the designated Associate Development Organization to coordinate economic development services for Island County.

REAPPOINTMENT TO BOARD OF EQUALIZATION

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Mary Erickson, Coupeville, was by unanimous motion of the Board, reappointed as a member of the Board of Equalization for a three year term to expire May 31, 2000.

STAFF SESSION SCHEDULE - June, 1997

The Board approved for distribution the Staff Session Schedule for June, 1997, as shown:

ISLAND COUNTY

SCHEDULE FOR COMMISSIONERS/DEPARTMENT HEAD STAFF SESSIONS

JUNE 1997

REGULAR 1st WED. MEETING - JUNE 4, 1997

8:30 a.m. Public Works (*Note: starting 1/2 hour earlier*)

11:00 a.m. General Services Administration

11:20 a.m. Maintenance

11:40 a.m. Extension

12:00 Noon B R E A K

1:00 p.m. Planning & Community Dev.

2:00 p.m. Health Department

3:00 p.m. Central Services

3:20 p.m. **Chairman's Agenda:**

{agenda to be determined}

REGULAR 3rd WED. MEETING - JUNE 18, 1997

8:30 a.m. Public Works (*Note: starting 1/2 hour earlier*)

11:00 a.m Auditor

11:30 a.m. Human Resources

12:00 Noon B R E A K

1:00 p.m. Planning & Community Dev.

2:00 p.m. Health Department

3:00 p.m. Assessor

3:20 p.m. Sheriff

3:40 p.m. **Chairman's Agenda:**

{agenda to be determined}

HEARING HELD: Resolution R-18-97 Designating northerly end of Driftwood Way as a primitive road adjacent to Lots 1-4, Blk 1, Ledgewood Beach #1 (continued from April 14, 1997)

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The Chairman opened a Public Hearing at 10:15 a.m., continued from April 14, 1997, on Resolution #R-18-97, the consideration of designating the northerly 280' of Driftwood Way as a primitive road, adjacent to Lots 1-4, Block 1, Ledgewood Beach #1. In addition to staff and press, approximately 12 people attended this hearing.

Larry Kwarsick, Director, Public Works Department, recalled that during the April 14 Hearing, the suggestion was made that staff meet with the property owners to discuss reasons for the primitive road designation, how such a designation might affect access by roadway users, the road reconstruction and repair schedule, and the County's commitment to future road maintenance. With that in mind, the Department scheduled three open house opportunities for property owners to come in and discuss the matters: May 7; May 8 and May 9. The May 9 meeting was attended by the bulk of the interested property owners. As a result of those discussions, Mr. Kwarsick forwarded to the Board a memorandum adding a fifth recommendation to the list of different alternatives, which was to reconstruct the roadway within the limits of the dedicated right-of-way to an unsurfaced condition and install appropriate warning signs. He also recommended the Board set aside

without any official action or prejudice the primitive road designation. Mr. Kwarsick believed the construction could actually begin this Thursday with completion hopefully the following week. Upon completion of that work, he would notify the Board to take the appropriate action to officially open the roadway to traffic.

PUBLIC TESTIMONY

Carolyn Cliff, Langley, the attorney representing Dick and Joan Caldwell, who own Lot 1 of Holvis Short Plat, immediately adjoining the closed portion of Driftwood Way, expressed appreciation for extension of time allowed and for the effort by the Public Works Department to meet with property owners and to develop the fifth option. The fifth option she views as the second best option before the Board. It may be the best option, she said, but the problem was that the Public Works Department could not tell the property owners why. She acknowledged there may well be good reasons why the County did not want to implement the Golder Report, but if there are the property owners did not get a chance to talk about it - going into the May 9 meeting, Mr. Kwarsick politely but firmly said it was a topic off bounds. She questioned reinstallation of fill on an active slide area when it appeared there could be a relatively permanent fix for a number that the report makes look as \$56,900 and which Mr. Allen said at the end of his presentation on April 14 was \$70,000. On behalf of the Caldwells, she sees the Golder Report recommendation as a relatively permanent fix versus repairs in the past that failed (once in 1991 and once in 1996). As far as she could determine, the problem seemed to be that the County did not or could not take responsibility for repairs outside the designated right-of-way. She commented that Commissioner Shelton had been quoted in the South Whidbey Record as saying that it cost \$45,000 each time to do a truck-in-the-fill repair and she was not comfortable with that figure. The figure she was comfortable with was the one from Mr. Allen's memo to the Board on March 16th referring to \$16,000 for the 1996 repairs. She believed the Board would hear testimony today that others would agree to give easements in order to implement the Golder Report. Her bottom line: (1) if the Board adopts the Public Works Department recommendation, the County will not face additional claims from property owners who are not currently represented by counsel; and (2) if the County finds a way to implement the Golder Report that would resolve the two claims the County is currently facing without paying a penny to claimants (the Caldwells whom she represents and Jean Froman represented by Greg Lawless).

Ken Brettmann, Lot 3, Holvis Short Plat, agreed that the current recommendation was a step in the right direction, and allowed time for the property owners and the County to work together. He believed that the property owners involved were willing to offer up easements to do the work and allow a long term solution, and did not feel that the road being repaired now would hinder working on a long term solution. His request: work together to come up with a long term solution; implement the short term solution to fix the road to its previous state; and then obtain the easements and in August start working on the horizontal drainage, French drains up above, which should resolve all the problems. He believed the Golder Report was a good technical report and made good engineering sense. Installing drainage as the Golder Report recommends, will provide a safety factor and get rid of the annual maintenance chore.

Howard Merchant, 1785 S. Driftwood Lane, spoke in favor of Mr. Kwarsick's "fifth recommendation" as modified today. As stated at the previous hearing, his two main concerns were access and maintenance. The recommendation to repair and open the road will give him access, and since it would not require primitive road designation, addressed both access and maintenance questions. With regard to setting aside without official action or prejudice the primitive road designation, he asked that should the Board at any time in the

future reconsider the designation as a primitive road that the Board provide the property owners the same opportunity to comment and discuss. Mr. Merchant talked with Judith Akins, owner of the second house past the slide area, who could not make this hearing, who asked that he advise the Board that she supports this intermediate recommendation as a fix also.

Larry Brouse, St. James Cathedral, Seattle, who owns Lot 3 in the subdivision, thought the proposal on the table now was good and one that probably serves the best interest of all the property owners. On behalf of St. James Cathedral, he stated they would be willing to cooperate with the County in terms of any easements or access, or even perhaps allowing use of their property for temporarily stockpiling of materials if necessary. He did pose two questions: (1) It sounds like the property owners are suggesting this is a temporary fix, but he was not sure the wording of the resolution states that. Does adopting this foreclose any future plans to implement the Golder Report? (2) With the designation of an unsurfaced road, does that also imply drainage and side drainage, etc.? With those two questions aside, St. James Cathedral supported this resolution.

Bill Stephen, owner of Lot 1, representing himself as well as Jean Froman, whom he spoke with on Friday, as well as her attorney, Greg Lawless. He mentioned he thought it had been unfortunate that the scope of the May 9 meeting with staff had been limited to the point where the property owners did not receive some answers they would have liked to have received. He seconded the previous land owner's request that the County not just fix the road, but implement the recommendations outlined in the Golder Report. He assured the Board that he and Mrs. Froman would grant the County any access or easements needed to implement the Report, asking in return adequate access to their property once the road is rebuilt. With lots 1, 2 and 3 giving access and easements, he believed Tract A, the uphill side of the road, would as they indicated to him grant access. With that, he thought there would be no impediment to the County in any way to implement the Golder Report and requested the County do so.

No others in the audience commented. Public testimony closed.

Chairman Shelton confirmed he was misquoted in the new article Ms. Cliff referred to, in fact, he had not quoted any figures in relation to what it cost to repair the road.

Mr. Kwarsick agreed that it was very important for the County to take action to reconstruct the roadway to an unsurfaced condition and reopen the roadway so that property owners have access and he believed the recommendation accomplished that. He did not know that he was willing to say this is either a temporary or permanent fix, but this fix would not foreclose any other opportunity or the implementation of the Golder Report. Important to note that the County will be installing appropriate drainage as part of the reconstruction of the roadway, within the confines of the right of way dealing with surface and sub-surface drainage.

Commissioner McDowell advised property owners that should the County in the future ever look at designating this road as a primitive road, all property owners would

receive notice of another public hearing on the matter.

Commissioner Shaughnessy moved to set aside Resolution #R-18-97 in the matter of designating a primitive road in Island County without official action or prejudice, and to direct staff to implement option #5 as outlined by Mr. Kwarsick, which is to reconstruct the road, within limits of the dedicated right-of-way, to an unsurfaced condition and install appropriate warning signs. Motion, seconded by Commissioner McDowell, carried unanimously.

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HEARING HELD: Ordinance R-27-97 – renaming/naming county roads

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A second public hearing was held immediately following the previous matter, for the purpose of considering Ordinance #R-27-97, the renaming/naming of County roads:

- Portion of Lagoon Point Road, from Christenson Road to 90 degree turn: Day Road;
- Unnamed Road #48780 intersecting Terry Road at two points E. of Ft. Casey Road: Compass Loop (new petition received to name it Henry Loop);
- Portion of Ebey Road running N. from intersection of SR 20 to Black Road: Broadway Street.

Lew Legat, Assistant County Engineer, confirmed that the petition received to rename unnamed Road #48780 Henry Loop in remembrance of Jim Henry instead of Compass Loop, came from the very same three residents of the road who originally agreed to Compass Loop, all now desiring the name: Henry Loop.

Rich Murphy, representing I-COM, confirmed that the initial public hearing announcement set out Compass Loop, and that notice was mailed to all property owners along that road, three residents. The second petition to change Compass Loop to Henry Loop occurred after having already mailed out that public notice but inasmuch as everyone who lives on that road signed the second petition, he saw no issue or problem.

No comments were made for or against the proposed road name changes by members of the public at this time.

By unanimous motion, the Board adopted Ordinance #R-27-97 renaming miscellaneous county roads on Whidbey Island: that portion of Lagoon Point Road, from Christenson Road to 90 degree turn: Day Road;

unnamed road #48780 intersecting Terry Road at two points E. of Ft. Casey Road: Henry Loop; and that portion of Ebey Road running N. from intersection of SR 20 to Black Road: Broadway Street.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF RENAMING MISC.)

COUNTY ROADS, WHIDBEY ISLAND) ORDINANCE NO. R-27-97

WHEREAS, The Board of County Commissioners adopted Ordinance No. C-32-96 (Interim 9-1-1 Addressing Policy) which allows the County to address the renaming of roads to avoid confusion; and

WHEREAS, the Board of Island County Commissioners has been requested by I-COM to rename the roads listed on Attachment "A";

WHEREAS, the renaming of said roads as shown would not be duplicating existing road names in Island County; NOW, THEREFORE,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington:

1. That the County roads listed on Attachment "A" shall be renamed effective 45 days from the date of passage.
2. Island County Public Works shall fabricate and install a road sign to be posted on the effective date.
3. I-COM shall notify, by mail, owners of property abutting on the road of the public hearing date, and the name change, address number change, if any, and the effective date of this ordinance.
4. I-COM shall also notify appropriate agencies of the road/street name change, the effective date, and shall notify appropriate County departments so that County maps will show the changes.

REVIEWED this 28th day of April, 1997, and set for public hearing on the 19th day of May, 1997 at 10:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Attest: Margaret Rosenkranz, County Tom Shaughnessy, Member

Auditor & Ex-Officio Clerk of the Board

ADOPTED this 19th day of May, 1997, after public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

Attest: Margaret Rosenkranz, County Auditor &

Ex-Officio Clerk of the Board

ATTACHMENT "A"

Existing Road Log No. Description of Proposed Name

Name Mile Post Road Section

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Lagoon Point RL #32280 North-south portion only – from Day Road

Road MP 1.20 – to 90 intersection of Christenson Rd.

degree turn south to 90 degree turn

(Sec. 17-30-2E)

Unnamed RL #48780 Intersects Terry Rd at two points Henry Loop

Road #48780 MP 0.00-0.18 east of Fort Casey Road

(NW ¼, Sec. 3-31-R1E)

Ebey Road RL #48430 Portion running north from Broadway Street

MP 2.8-3.06 intersection of SR 20 to Black Rd.

(SW ¼, Sec. 33-32-1E)

HEARING HELD: Franchise #288, Pebble Beach Water, for waterlines in Pebble Beach Road, Plat of Pebble Beach, Div. #1

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A Public Hearing was held at 10:45 a.m. to consider application for Franchise #288, by Pebble Beach Water, for waterlines in County Road known as Pebble Beach Road, in the Plat of Pebble Beach, Div. #, Camano Island.

Roy L. Allen, County Engineer, reported having reviewed the franchise to place new water lines. The proposal came about as a result of a slide, with work done under emergency slide conditions. Applicant worked with the Island County Health Department and Engineering Department in order to obtain necessary approvals, and follow-up with this application for franchise as agreed. Mr. Allen recommended approval of franchise.

No public comments were made either for or against the proposed franchise.

By unanimous motion of the Board, Franchise #288 was approved.

BID AWARD RECOMMENDATION: EXCAVATOR/TRACKHOE-CON'T FROM MAY 12, 1997

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The matter of bid award recommendation for a new or used excavator/trackhoe, maximum operating weight 38,000 pounds, with trade in of equipment #241, a 1974 Caterpillar 955 loader, ID #85J8654, came before the Board for action, having been continued from the meeting of May 12, 1997. The Public Works Department recommended award to N. C. Machinery for a 1997 CAT 312B, for a total of \$98,575.13, the lowest bidder meeting bid specifications, including trade in and sales tax, with options of a ditch bucket and a long undercarriage.

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Last week, Mark Visser from Farmers Equipment, one of the five bidders on this equipment, questioned whether the appropriate model was submitted for the bid recommended for award, because he felt the RFP led bidders to believe Island County was in the market for a machine in the 35,000 pound class. Jack Taylor, Maintenance Superintendent, who evaluated the bids received and determined conformance with specifications, was unable to attend the May 12 meeting and the Board continued the matter until this date and time, allowing them an opportunity to discuss the matter with Mr. Taylor.

Mr. Visser was again present when this matter was considered.

Jack Taylor met with Mr. Visser on Thursday. Mr. Visser provided a demonstrator which was demonstrated alongside the CAT 312 BL, at Fire Station on Heller Road with all supervisors, three foreman and operator. Time was spent operating the machines, and based on input from supervisors, he still recommended award to CAT for the CAT for 312BL primarily because of the mobility of the unit. Other bidders could have bid smaller units; nothing in the bid specs restricted them from doing so, and notations were included that any alternate bids should have been on separate sheets. A maximum weight was specified, not a minimum. The performance level of the two machines are very close. Two individuals who operated the demos chose Kobelco over CAT based on the fact they were familiar with Kobelco. Even after the fact one of them commented that having the ability to haul the unit at any given time on the tilt trailer is a must for the County. The larger unit restricts hauling on the low boy trailer.

Commissioner McDowell stated that since the last meeting he had an opportunity to compare the bid specs for this trackhoe and specs for backhoes. In the specs for backhoes words were used such as "shall not be less than". Having a bid spec with an upper number he did not think was appropriate way to bid. To him it was not an issue of which machine crew members want, rather what was appropriate bidding and what was expectation of bidders.

Mr. Taylor pointed out that the backhoes of course are not trackhoes. Calling for new or used, not knowing what is out there on the market, if too restrictive he did not know how many bids would be received for used equipment. The backhoes were not for used, but new backhoes, while bids for trackhoe and roller requested new or used.

Mr. Kwarsick also noted that the weight runs in tandem with all the other bid specs.

Prior to calling for bids, Mr. Taylor talked with some of the vendors and did indicate the County was looking for a unit that would fit on a 40,000 pound tilt trailer. All bids were under 38,000 pounds but the question was would they legally fit on the tilt trailer. He was led to believe by most vendors there would be no problem. The machine bid by Farmers Equipment weighs 35,800 pounds and does not fit legally on the tilt trailer. But he agreed the specs did not address the issue of fitting on a tilt trailer; however, he did confirm that comparisons were made based on performance levels as well.

Commissioner McDowell suggested the Board reject the bids and call for new bids, new or used, indicating what is being requested which would include among other things, the equipment fit on the tilt trailer, and some bottom size set.

Motion on the floor from May 12, 1997:

Commissioner Shaughnessy moved that the Board approve the recommendation of Public Works and award the bid to N. C. Machinery in the total amount of \$98,575.13. Motion was seconded by Commissioner

McDowell.

The Board today voted on the motion on the floor, the result: Aye: Shelton; Opposed: McDowell and Shaughnessy.

Commissioner McDowell moved to reject the bids and call for bids with a new set of specifications to be more inclusive/definitive. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

SUPPLEMENTAL AGREEMENT # 5. Geotechnical Investigation

Driftwood Way, Plat of Ledgewood Beach

Roy Allen asked that the Board consider approving Supplemental Agreement #5 for an additional \$5,253 to the Agreement for Professional Services with Golder Associates, Inc., Consultant, with regard to the geotechnical investigation, Driftwood Way, Plat of Ledgewood Beach, in the vicinity of the Touchette property (relates to gabion wall). The additional services include: (1) preparation of project bid package-\$1,995; and (2) inspection services- \$3,258. Public Works does not have the manpower available to do the inspection and this also calls for special certification for this type inspection. Final design report and specifications are already done but not in a format to go out to bid with. Mr. Allen thought that under the original scope of work the County would receive a bid package, but the Company did not interpret it that way.

The Board set the matter aside and took no action on the Supplemental Agreement, and directed that Mr. Allen obtain legal interpretation from the County Deputy Prosecuting Attorney as to whether or not the scope of work in the original contract with Golder Associates, Inc., in fact includes the County receiving a bid package. Mr. Allen to bring this matter back to the Board after he has reviewed same with Dave Jamieson.

RESOLUTION #SW-005-97 COMPETITIVE PROPOSALS FOR RECYCLING

Dave Bonvouloir, Solid Waste Manager, and Jerry Mingo, Recycle & Hazardous Waste Coordinator, were present in support of the Board adopting Resolution #SW-005-97, approving competitive Request for Proposals for: provision of services for collection and processing of residential and commercial recyclables from drop-box locations and commercial generator sites. This was a topic of discussion with the Board at a recent staff session. Existing contracts for similar services are due to expire the end of this year.

The Board by unanimous motion approved Resolution #SW-005-97.

STATE OF WASHINGTON
COUNTY OF ISLAND

IN THE MATTER OF APPROVING COMPETITIVE) RESOLUTION NO. SW - 005 - 97 PROPOSALS FOR:
RECYCLE SERVICES:)

COLLECTION AND PROCESSING OF RECYCLABLES)

COLLECTED AT COUNTY RECYCLE PARKS AND)

MAKING AVAILABLE COLLECTION SERVICE TO)

COMMERCIAL ENTITIES)

WHEREAS, recycling is a priority above waste disposal in the approved Island County Comprehensive Solid Waste Management Plan, and

WHEREAS, recycle centers or drop-off boxes are required at conveniently located transfer stations per RCW 70.95.090(7)(b)(I), and

WHEREAS, sufficient funds are available in the 1997 solid waste budget for site upgrades that may be necessary, and

NOW THEREFORE, BE IT HEREBY RESOLVED that the attached Competitive Request For Proposals, available in the Island County Public Works Department, are approved as written, and the Island County Public Works Director is authorized and directed to obtain competitive proposals for furnishing Island County with said services.

ADOPTED this 19th day of May, 1997

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

MIKE SHELTON, Chairman

WM. L. McDOWELL, Member

TOM SHAUGHNESSY, Member

ATTEST: Margaret Rosenkranz,

Auditor & Ex-Officio Clerk of the Board

PRELIMINARY APPROVAL - SPR 360/96, DAVID PLATTER, APPLICANT ACCRUE, INC -
INSTALL OFF-SITE DRAINFIELDS, CAMANO ISLAND CAMANO COMMONS

COMMERCIAL DEVELOPMENT AT TERRY'S CORNER

Vince Moore, Director, Island County Planning & Community Development Department, presented for preliminary approval, Site Plan Review SPR 360/96 by David Platter, a proposal from Accrue, Inc. to install off-site drainfields for Camano Commons Commercial Development at Terry's Corner, Camano Island. Assessor's Parcel #R 33219-307-4860. The Hearing Examiner heard the application at public hearing on April 17, 1997, and as outlined in his Findings of Fact, Conclusions of Law and Recommendation to the Board of Island County Commissioners signed May 1, 1997, recommended the Board grant preliminary site plan approval to the proposal, subject to conditions [11 conditions, pages 7 and 8 ICHE].

Debra Little, Development Services Manager, pointed out this approval was strictly for off site drainfield portion, and not the project. The site is to the NW of Terry's Corner on North Camano Drive. When this came before the Hearing Examiner, the applicant talked about changing uses around, locations inside the project, adding second stories, actually changing uses. The actual Camano Commons Project was postponed, but went forward with the drainfield assuming the same mix of square footage and type, etc. A week ago, the applicant submitted new plans the Hearing Examiner was not privy to, and shows different uses, including a car wash, and uses in different locations. Applicant has been advised that he may be required to submit an amendment because it is not known at this point in time whether or not the drainfields will accommodate the new uses applicant is proposing. The only matter before the Board at this time, however, is the application heard by the Hearing Examiner for the off site drainfields.

By unanimous motion, the Board granted preliminary site plan approval on SPR 360/96 as recommended by the Hearing Examiner.

ORDINANCE #C-024-97 (PLG-009-97) Amending Chapter 17.02.220.G to allow reconstruction, restoration or repair of legal non-conforming structures damaged by flood, fire, landslide or other natural disasters

A proposed ordinance was presented for the Board's consideration to amend Chapter 17.02.220.G of the Island County Code to allow reconstruction, restoration or repair of legal non-conforming structures damaged by flood, fire, landslide or other natural disasters. In this case, Mr. Moore advised that the Planning Commission held a hearing on the matter February 25, 1997, [Island County Planning Commission Findings and Corrected Recommendation dated 15/6/97] and recommended approval of the language that the Board originally suggested:

G. Reconstruction

Reconstruction, restoration or repair of a legal nonconforming structure damaged by fire, flood, earthquake or other disaster shall be permitted when the damaged area constitutes less than fifty (50) percent of the total floor area of the structure except in the following circumstance:

1. When damaged by fire, flood, earthquake or other disaster, the building or

structure may be rebuilt to the old building line so long as the use of the property is not intensified thereby and rebuilding starts within three years after the destruction and provided that adherence to the setbacks required by the current code is not practicable. The three year period may be extended by the Planning director upon application and demonstration of need.

4. ~~2.~~ When a building or structure has been made nonconforming by reason of a taking, purchase, required dedication, or by gift of property to a governmental agency, and such building or structure is destroyed to any extent up to a total destruction after such taking, purchase, required dedication, or gift to a governmental agency, the building or structure may be rebuilt to the old building line so long as the use of the property is not intensified thereby and rebuilding starts within ~~three one years~~ after the destruction. The ~~three one-year~~ period may be extended by the Planning Director upon application and demonstration of need.

2. ~~3.~~ If the original use or structure was located partially or completely within a wetland, habitat for a protected species or their buffers, or on a steep or unstable slope, it shall be reconstructed, restored or repaired in a manner which will locate as much of the structure as possible outside of the overlay zone or habitat.

Mr. Moore was aware of one remaining concern with respect to the setbacks, which he discussed with the Deputy Prosecuting Attorney this morning and with SEPA staff, determining that as long as the amendment is to clarify existing language, there is no requirement to go back through SEPA or hold another meeting on the matter. It is very clear within the minutes of the Planning Commission what they intended.

The additional clarifying language is suggested to Page 2 of Exhibit B, under g 1, line 2: after the word structure, insert "as originally configured" .

The reason the Planning Commission added setback language was in the event there is a lot large enough but for some reason prior to the County's existing code someone built over on one side or on someone else's property line and could meet the required setbacks now and should be required to come into conformance.

Chairman Shelton excused himself from participation, deliberation and vote on this particular matter, based on potential appearance of fairness grounds. This change in the code has potential affects upon some relatives of his and he did not want it to appear he was somehow promoting the change in the Code for their benefit. He left the room and Commissioner McDowell took over as Chairman for the remainder of the meeting on this particular topic.

Commissioner McDowell's suggestion was to amend the section instead by placing a period after "destruction" ; begin the next sentence starting with Adherence, to read:

"Adherence to setbacks required by current code will be required where practicable."

Commissioner Shaughnessy had no problem with that suggestion, concurring that clarifies intent.

With regard to the definition of "old building line", Mr. Moore clarified that would be the foundation line as it exists. Bob McCaughan, Building Official, clarified that provisions of the Uniform Building Code increased as one comes closer and closer to the property line. The building line would typically be the foundation.

Commissioner Shaughnessy moved adoption of Ordinance #C-24-97 in the matter of amending Chapter 17.02.220 ICC regarding rebuilding, restoration or repair of non-conforming structures as recommended by the Planning Commission, and with the following clarifying changes: Section g 1, second line, "as originally located" inserted after the word structure; fourth line place a period after the word destruction, and the next sentence to read: "Adherence to the setbacks required by the current code will be required where practicable." Motion, seconded by Commissioner McDowell, carried.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING CHAPTER 17.02.220 ICC REGARDING REBUILDING, RESTORATION OR REPAIR OF NON- CONFORM- ING STRUCTURES) ORDINANCE C-024-97) PLG-009-97))
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WHEREAS, the Island County Zoning Ordinance, Chapter 17.02 ICC, was originally adopted on December 18, 1984; and

WHEREAS, the Board of Island County Commissioners considers the ability of

people to rebuild structures in the event of major damage such as fire, flood, earthquake or other natural disaster to be important; and

WHEREAS, the Board of Commissioners proposed language to permit the reconstruction, restoration or repair of a legal non-conforming structure damaged during a natural disaster; and

WHEREAS, the Island County Planning Commission reviewed the proposed language in a Public Hearing on February 25, 1997, and recommended approval of an amendment as shown in the attached Exhibit "B"; and

WHEREAS, an Environmental Checklist was completed and a SEPA Determination of Non-Significance (DNS) was issued on April 15, 1997; and

WHEREAS, no appeals have been received on the DNS as of May 15, 1997; and

WHEREAS, the Board of County Commissioners considered the recommendation of the Island County Planning Commission in a Public Meeting on May 19, 1997, **NOW, THEREFORE,**

IT IS HEREBY ORDAINED by the Board of Island County Commissioners that the amendment to ICC 17.02.220, regarding the reconstruction, restoration or repair of legal non-conforming structures when damaged or destroyed by fire, flood, earthquake or other natural disaster, as shown in the attached Exhibit "C" is hereby approved. Material lined through is deleted from ICC 17.02.220 and material underlined is added to ICC 17.02.220. The alteration from the Planning Commission recommendation on Exhibit "B" is merely clarification, not a material change from the Planning commission recommendation.

APPROVED AND ADOPTED this 19th day of May, 1997.

BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

ATTEST: MARGARET ROSENKRANZ,

County Auditor & Ex-Officio Clerk of the Board

APPROVED AS TO FORM:

DAVID L. JAMIESON, JR.

Deputy Prosecuting Attorney

& Island County Code Reviser

RESOLUTION #C-25-97 (#PLG-011-97) - AMENDING BUILDING PERMIT FEES
TO INCLUDE DEMOLITION AND SPECIAL FEES

Chairman Shelton returned for the remainder of the meeting.

Mr. Moore presented for Board approval, a resolution to amend Building Permit Fees to include Demolition and Special Fees. This matter was discussed with the Board at staff session May 7. The proposal would set special fees at \$60/hr. and demolition permits set at \$84 flat fee.

The Building Code has always required a permit for demolition action, but does not go into any aspects of prior notification, etc. Those suggestions will be forthcoming in the revision of the Code.

By unanimous motion, the Board adopted Resolution #C-25-97 in the matter of amending Building Permit Fees to include demolition and special fee charges as presented.

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

IN THE MATTER OF AMENDING BUILDING PERMIT FEES TO INCLUDE DEMOLITION AND SPECIAL FEE CHARGES) ORDINANCE C-25-97) PLG-011-97)
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WHEREAS, the 1991 Uniform Building Code (UBC) Chapter 3, Section 301.(a) Permits Required, and the 1994 UBC Section 106 - Permits, Section 106.1, established regulations for permits for buildings or structures which are "removed...or demolished"; and

WHEREAS, Table No. 3-A Building Permit Fees 1991 UBC set the fees for demolition permits and other Inspections and Fees at \$30.00 per hour; and the 1994 UBC set the fees for such permits at \$42.00 per hour; and

WHEREAS, the 1991 and 1994 UBCs provide for the fees to "be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the Jurisdiction"; and

WHEREAS, the need for establishing set fees for Demolition Permits and other Special Fees was discussed in a Public Meeting with the Board of Island County Commissioners on May 7, 1997; and

WHEREAS, it was decided that special fees would be set at \$60.00 per hour, and demolition fees would be set at an \$84.00 flat fee (average 2 hour time frame),
NOW, THEREFORE,

IT IS HEREBY ORDAINED by the Board of Island County Commissioners that Special Fees set at \$60.00 per hour, and Demolition Permits set at an \$84.00 flat fee are hereby approved for the Island County Building Division.

APPROVED AND ADOPTED this 19th day of May, 1997.

BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

ATTEST: MARGARET ROSENKRANZ

Auditor & Ex-Officio Clerk

of the Board

AMENDMENT #7 TO MCCONNELL/BURKE, INC. PROFESSIONAL SERVICES CONTRACT

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Mr. Moore next presented for approval, Amendment #7 to Agreement for Professional Services with McConnell/Burke, Inc., dated 1/19/96, last amended 12/18/96. The amendment adds to the scope of services Phase 4 - Sub-area study of non-municipal Urban Growth Areas, for an additional fee of \$15,000. Revisions to the Land Use and Policy Element and the FEIS are to be completed and delivered to Island County prior to 12/31/97 and Sub-area studies and accompanying reports delivered no later than 6/1/97.

By unanimous motion, the Board approved Amendment #7 to the Professional Services Contract with McConnell/Burke, Inc.

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HUMAN RESOURCES DEPARTMENT - PERSONNEL ACTIONS

Dick Toft, Director, Human Resources Department, presented two personnel actions for the Board's review and consideration:

PAA #46/97 Sheriff's Department

D.E.S. Coordinator, Position #1305.00 [.75 position] unbudgeted position for

1997. The amount of \$15,175 would be required to fund the position for the

remainder of year effective 7/1/97.

Because an accounting position has gone unfilled, Sheriff Hawley confirmed funds available within his 1997 budget to fund this position. This is an existing position within the grid system but not filled for several years. He could not assure availability of funds in the future, but did commit this person will look for outside funding sources and try to identify grant dollars to fund this position.

While Chairman Shelton appreciated the fact that this emergency services person hopefully would come up with some grant funding source in order to have an individual on Camano Island, but short of that, reminded of the importance to keep in mind that this is for Island County, not just Whidbey Island, and Camano Island must not be left out.

By unanimous motion, the Board approved PAA #46/97 effective 7/1/97 as presented.

PAA #47/97 Prosecutor's Office - Position #1805

Last Staff Session, the Prosecutor indicated desire for flexibility to move people around while recruiting a person to fill the Chief Criminal deputy prosecutor position. His request is to assign position #1805 to serve Superior Court and in connection with this for the interim period move that individual from wage grid 13 to 14 while performing these duties, for a period of not longer than 6 months or until such time the Chief Criminal deputy position is filled. The funding request is \$254 per month and the Prosecutor has funds within his budget to accomplish this, effective May 27, 1997.

The Board by unanimous motion approved PAA 47/97 effective 5/27/97.

FINANCIAL REPORTS

Treasurer - Current & YTD Cash Report and Investment Report

Maxine Sauter, Island County Treasurer, provided the Current Expense Report for April, 1997, indicating receipts down from the prior year at this point by \$128,642, due in part to heavy deposits on April 30 from property taxes which will not be recorded in April and should be more accurate for comparison with the May report. Disbursements/warrants issued at April 30th are up by \$477,216. Funds are invested in the amount of \$77,511,000.00.

Auditor's Report: Monthly Review of Revenues and Expenditures

Margaret Rosenkranz, Auditor, saw nothing on the current report to cause alarm. She did review expenditures of those departments who are above the percentage they should be at this point, and found there were reasons for each of them.

Chairman Shelton noted \$63,000 was spent in Current Expense over what was taken in, but acknowledged it could be a bookkeeping issue related to property taxes.

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There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 12:15 p.m. to meet next In Regular Session on June 2, 1997

at 9:30 a.m. Monday, May 26 is a holiday and all county offices will be closed.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Attest:

Tom Shaughnessy, Member

Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board