

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**

**REGULAR SESSION - AUGUST 11, 1997**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 11, 1997, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Mike Shelton, Chairman, and Wm. L. McDowell, Member, were present; Tom Shaughnessy, Member, absent. Also in attendance were Elaine Marlow, Deputy Auditor/Ex-Officio Clerk of the Board, and E. Meyer, Secy. to the Board.

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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.) #8354 - #8679.....\$428,561.49.

The July payroll was also approved and signed.

Veterans Assistance Fund: [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. The Board by unanimous motion, approved Veterans Claim #V97-32 in part as recommended by the Veterans Assistance Review Committee, in the amount of \$843.21 [included in reported voucher/warrant amounts above].

EMPLOYEE SERVICE AWARDS

EMPLOYEE DEPARTMENT NO. YEARS

**Raymond A. Tash Sheriff 10 years**

**Gregory N. Sibon Public Works 20 years**

**Susan L. Higman Planning 5 years**

**Richard E. Beason Assessor 15 years**

**Carolyn A. Taylor Prosecuting Attorney 5 years**

**Donald W. White Public Works 10 years**

**Bonnie J. Bryant Public Works 5 years**

EMPLOYEE OF THE MONTH - JULY 1997

BARB COPE, Island County Health Department

Hiring Requests and Personnel Actions

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As brought forward by the Human Resource Department and reviewed with the Auditor, the Board by unanimous motion, approved the following Personnel Action Authorizations:

Sheriff's Department

PAA #70/97: Cook, 20 hr. Week, Position #4023.3, replacement; PAA Effective Date 9/17/97

PAA #71/97: Correction Officer, Position #4015.07, Replacement, PAA Effective Date 8/29/97

PAA #75/97: Deputized Officer, Position #4014.27, Replacement, PAA Effective Date 8/27/97

Superior Court

PAA #72/97: Bailiff, Position #2005.01, Replacement, PAA Effective Date 8/11/97

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Public Works

PAA #76/97: Operator I, Oak Harbor, Position #2238.07, Replacement, PAA Effective Date 8/11/97

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Claim for Damages #96-0028, Puget Power

REGARDING Taylor Road Relocation PROJECT

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Betty Kemp, Director, GSA/Risk Management, clarified that the subject claim was not the typical claim for damages that would be taken to the Washington Risk Pool or go against the County's claim experience. This was filed by Puget Power on August 13, 1996, requesting \$81,100.00 for relocation costs to move power lines within private easements related to Island County's road widening project along Taylor Road.

Lew Legat, Assistant County Engineer, explained that the matter went back as far as 1990 when the County started to acquire right-of-way for Taylor Road project. Puget Power owned electric transmission easements over private property adjacent to the current road right-of-way and the additional right-of-way to be acquired would include all or part of Puget Power easement properties. Approval of the claim is being recommended by the Public Works

Department because this relates to compensation to that company approved by the Board during a staff session in January of 1991 based on an opinion from the Prosecuting Attorney's office 12/5/90. Puget Power's rights to the property are superior to that of Island County, and the County assisted the company in acquiring new easements and agreed in principal to pay for a portion of the power line relocation. Several years' ago the project was delayed, and last year construction started, and just this last month. If approved by the Board, the funds will come from Public Works Fund and not the Insurance Reserve Fund. When the CRP was authorized for Taylor Road, \$80,000 was included for this item.

Item continued to the next meeting of the Board to allow further review of the 1990 and 1991 correspondence.

Purchase and Sale Agreement for Lawler property

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Lee McFarland, Assistant Director, GSA/Property Manager, presented for Board action a Purchase and Sale Agreement and promissory note for earnest money, from Mildred W. Lawler, Successor Trustee of The Lawler Family Trust (Seller). The Agreement was reviewed and approved by the Deputy Prosecuting Attorney and Risk Manager. The property being purchased is the Dry Lake Road property, Camano Island, Lot 6, Plat of Hills and Dales, Division No. 1. Purchase price is \$18,000, with \$500 Promissory Note for earnest money.

By unanimous motion, the Board approved and signed Purchase and Sale Agreement #111543 in the amount of \$18,000, and Earnest Money Promissory Note.

Resolution #C-42-97 In the Matter of an Interfund Loan to  
the Island County Fair Association

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By unanimous motion, the Board approved Resolution #C-42-97, an interfund loan to the Island County Fair Association in the amount of \$60,000 .00 from Island County Current Expense Fund to be repaid within 60 days following close of the Fair and no later than November 17, 1997, with interest charged at the maximum rate earned by Island County funds invested in the State Investment Pool.

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

IN THE MATTER OF AN INTERFUND LOAN )  
TO THE ISLAND COUNTY FAIR ASSOCIATION ) RESOLUTION C-42-97

\_\_\_\_\_ )  
*WHEREAS*, an interfund loan from the Island County Current Expense Fund to the Island County Fair Fund is necessary to establish a revolving fund during the operation of the Island County Fair; and

*WHEREAS*, regulations governing such interfund loans provide for an interest rate to be charged based upon the external interest rate available to Island County during the term of the loan, and that a schedule of repayment shall be determined; *THEREFORE*,

*BE IT RESOLVED*, an interfund loan in the amount of Sixty Thousand Dollars (\$60,000.00) is authorized from the Island County Current Expense Fund to the Island County Fair Fund. The loan is to be repaid within sixty days following the close of the Island County Fair, but shall be repaid no later than November 17, 1997. Interest shall be charged at the maximum rate earned by Island County funds invested in the State Investment Pool.

*APPROVED* this 11th day of August, 1997.

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

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

**ATTEST:** Elaine Marlow, For:

Margaret Rosenkranz, Auditor &

Ex-Officio Clerk of the Board

Applications for Transfer of Classified or Designated Forest Land to Current Use  
Classification: TRAN OT-2-97 Sam Tay; 20 acres located approx. 6 miles east of Harbor  
on Strawberry Point Road and TRAN OT-3-97 Sam Tay; 20 acres located approx. 6 miles  
east of Harbor on Strawberry Point Road

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The Board received from the Auditor's Office, Applications OT-2-97 and OT-3-97 by Sam Tay, for Timber Land classification as provided under RCW 84.34.020(3). By unanimous motion, the Board scheduled the

public hearing for October 6, 1997 at 10:45 a.m.

ADDENDUM TO PURCHASE & SALE AGREEMENT - Marilee A. Black and  
Phillip Black (Black's Body Shop property)

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On recommendation of Larry Kwarsick, Public Works Director, the Board by unanimous motion approved Addendum/Amendment #5 to Purchase and Sale Agreement No. 233718 between Island County and Marilee A. Black and Phillip Black, d/b/a Black's Body Shop. This Addendum extends the time frame for purchase and closing of the property to three weeks after the Black's receive their occupancy permit for replacement structure which is under construction at this time, or no later than December 31, 1997. There are no other changes in any other terms, conditions or purchase price.

RESOLUTION #R-53-97 AMENDING 1997-2002  
CAPITAL IMPROVEMENT PROGRAM

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As presented and recommended by Mr. Kwarsick, the Board by unanimous motion adopted Resolution #R-53-97 amending the Island County Six Year Capital Improvement Program for the years 1997 - 2002 (Resolution #R-28-96) to include the Stanwood Heritage Recreation Complex project, budgeted for in Resolution #C-17-97 adopted on April 14, 1997.

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

**IN THE MATTER OF AMENDING ISLAND )  
COUNTY'S SIX-YEAR CAPITAL IMPROVEMENT )  
PROGRAM FOR THE YEARS 1997-2002 TO ) RESOLUTION NO. R-53-97  
INCLUDE STANWOOD HERITAGE )  
RECREATION COMPLEX )**

**WHEREAS**, the Public Works Director, in accordance with RCW 36.70A.070(3) and WAC 365-195-315, submitted his recommended plan for capital expenditures for 1997 through 2002; and

**WHEREAS**, the Island County Board of County Commissioners adopted the program on

June 3, 1996 by way of Resolution R-28-96; and

**WHEREAS**, the Stanwood Heritage Recreation Complex project was not foreseen at that time; and

**WHEREAS**, the Island County Board of County Commissioners budgeted for this project by way of Resolution C-17-97 adopted on April 14, 1997;

**NOW THEREFORE BE IT HEREBY RESOLVED** that the 1997-2002 Capital Improvement Program is amended to include the Stanwood Heritage Recreation Complex, as shown on Exhibit "A".

**ADOPTED** this 11TH day of August, 1997.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY WASHINGTON**

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

**Attest:** Elaine Marlow, for:

Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board

	FUNDING							
PROJECT	SOURC SOURCE	1997	1998	1999	2000	2001	2002	TOTALS
Loan Payoff - Double Bluff	CFF	87.5	87.5					175
Acquisition Projects:								
Future Parks Acquisition	IAC-50%	200	100	200	200	200	200	1100

Future Parks Acquisition	CFF-50%	200	100	200	200	200	200	1100
Development Projects:								
Camano Island Ballfield/Playground	REET 1 & 2	64.3						64.3
Stanwood Heritage Recreation Complex *	REET 1 & 2	35.7						35.7
Oak Harbor Sports Complex	REET 1 & 2		100					100
Park Paving Projects	REET 1 & 2	84	50					134
Rhody Park Restroom/Upgade	REET 1 & 2		50	50	50			150
Ala Spit Development	CFF			65				65
Ala Spit Development	IAC			65				65
Park Facility Upgrade	REET 1 & 2	64.3	56.5	45	45	45	45	300.8
Cornet Bay Dock	REET 1 & 2	66						66
Restoration acres Development	IAC				100	150	150	400
Restoration acres Development	CFF			50	100	150	150	450
Total Parks Plan		801.8	544	675	695	745	745	4205.8
* - Amended 3/20/97								
<i>TOTAL EXPENDITURE TYPE &amp; FUNDING SOURCE</i>								
Loan Payback CFF		87.5	87.5					175
Acquisition		400	200	400	400	400	400	2200
Development		250	200	230	250	300	300	1530
Other (Park/Facility Upgrade)		64.3	56.5	45	45	45	45	300.8
Total Expenditures		801.8	544	675	695	745	745	4205.8
FUNDING SOURCE								
Conservation Futures Funding		287.5	187.5	315	300	350	350	1790
IAC & Other Grant Funding		200	100	265	300	350	350	1565
REET 1 & 2 Funding		314.3	256.5	95	95	45	45	850.8
Total Parks Funding		801.8	544	675	695	745	745	4205.8

DRAINAGE AGREEMENT & COVENANTS between  
Island County and Engle Farms

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A Drainage Agreement and Covenant was presented for approval between Island County and Engle Farms to help resolve a drainage problem. Part of the goals and objectives under both the Washington State Puget

Sound Water Quality Authority Plan and local Watershed Action Plan is to provide for control and prevention of non-point pollution. Mr. Kwarsick explained that Engle Farms was working with National Resources Conservation Service together with the Conservation District to design various on-site drainage improvements, including a surface water detention pond which could also be used for irrigation purposes. Interest is in bypassing the animal waste lagoons and make sure there is no way that the surface water from the roads could enter into the animal waste lagoons and make sure all other drainage bypasses the dairy and manure storage areas on the farm. The proposal would provide up to \$10,000 in materials as part of a project to control surface and impervious surface drainage to bypass farm facilities, and also provides Island County the right to discharge surface water into this system with the County released from any action, claims or liability for that discharge into this system. Mr. Kwarsick recommended the Board approve the Drainage Agreement and Covenant.

By unanimous motion, the Board authorized the Chairman's signature on the Drainage Agreement and Covenants between Island County and Engle Farms once the agreement comes back rewritten in proper format, without substantive change other than format acceptable to the Auditor.

RESOLUTION #R-50-97 – Closing Miscellaneous Completed County Public Works/Road Projects as of June 30, 1997: ENGLE RD/FT. CASEY ROAD TURN-AROUND; Eagle Tree Drainage; Misc. Flashing Beacons; 1996 Whidbey Overlays; Catholic Church Parking Lot; DID 4 Dike

Repair, Maxwellton Park Drainage

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With regard to proposed Resolution #R-50-97 closing out miscellaneous completed Public Works, Road and DID #4 projects, Lew Legat recommended the Board's approval other than deleting CRP #95-03, Work Order 44, Engle Rd/Ft. Casey Road Turnaround, from the completed projects. A final review discovered some work had been charged to CRP 95-03 in error and needs further review.

By unanimous motion, the Board adopted Resolution #R-50-97 in the matter of closing Island County's completed County Road Projects and Miscellaneous projects with the exception of CRP95-03, W.O. #44.

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

**IN THE MATTER OF CLOSING )  
ISLAND COUNTY'S COMPLETED ) RESOLUTION NO. R-50-97  
COUNTY ROAD PROJECTS AND )  
MISC. PROJECTS )  
\_\_\_\_\_ )**

WHEREAS, R.C.W. 36.77.070 requires the publication of the true and complete costs, and a brief description of all County Road Projects where the day labor, either estimated or actual cost, exceeds twenty-five hundred dollars. NOW, THEREFORE,

BE IT HEREBY RESOLVED that the following County Road Project(s) and the total costs as shown on the attached sheet(s) are hereby approved and those C.R.P.'s with day labor in excess of \$2,500 be published in the local newspaper.

**NUMBER WORK ORDER NO. NAME**

CRP 95-10 113 Eagletree Estuary Drainage

CRP 96-07 47 Flashing Beacons

CRP 96-11 219 Whidbey Island Misc. Overlays

PWP 2-94 49 Maxwelton Park Drainage

PWP 5-96 226 DID 4, Dike Repair

PWP 6-96 228 Catholic Church Parking Lot

St. Mary's Church

NOW BE IT FURTHER RESOLVED that the projects on the attached sheet(s) are completed and therefore are closed to all charges as of 6/30/97.

APPROVED this 11th day of August, 1997.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

**ATTEST:** Elaine Marlow,

Margaret Rosenkranz

County Auditor & Ex-Officio

Clerk of the Board

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RAP PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL

On presentation and summary by Mr. Legat, the Board by unanimous motion approved RAP (State of Washington County Road Administration Board Rural Arterial Program) Project Agreement for construction proposal for Bayview Road-3, increasing the RAP funding from \$378,732 to \$425,850 for that project.

AGREEMENT - Adopt-A-Road Litter Control Program - Oak Harbor Chapter of Puget Sound Anglers: adopt Oak Harbor Road from Ault Field Road to Oak Harbor City Limits

A unanimous motion of the Board approved Adopt-A-Road Litter Control Program Agreement with Puget Sound Anglers, Oak Harbor Chapter, for volunteer effort to reduce roadside litter on Oak Harbor Road from Ault Field Road to Oak Harbor City Limits.

HEARING SCHEDULED: ORDINANCE #R-52-97

Renaming MISCELLANEOUS County Roads

The Board, on unanimous motion, scheduled a Public Hearing on September 8, 1997 at 10:30 a.m. to consider Ordinance #R-52-97 renaming miscellaneous Island County roads in the North Whidbey area proposed as follows:

EXISTING NAME DESCRIPTION PROPOSED NAME

Bakerview Road Intersects Troxell Road Ala Lane

Polnell Road E - W portion from Navy property Old Polnell Rd

to intersection with Duncan Rd

Camano Street Southerly portion (Plats of Greenbank Camano Vista St

Estates Div #2 & Aqua View)

Camano Street Northerly portion (Plats of Greenbank Greenbank Drive

Estates Div #1 & 2)

Helder Road Entire length from Troxell to Jones Road Koontz Road

Wilson Place Entire length (Plat of Patton's Retreat, Sunburst Place

Div. #1

Unnamed Road Frontage Rd - W. Side of Jones Rd. Skagit Vista Drive

(Plats of Sunrise Hills Div. #1 & #2)

FEDeral Aid Project Prospectus - North Camano

Overlay & Guardrail Project

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The Board, by unanimous motion, approved and signed Federal Aid Project Prospectus for submittal to the Washington State Department of Transportation for funding in the amount of \$92,700, for North Camano Drive, Camano Island. Total project \$114,240, with \$21,540 local funds and \$92,700 federal funds. Proposed work would remedy hazardous situation by widening existing road and placing guardrails.

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SUPPLEMENTAL Agreement (2) - Fakkema & Kingma Contract

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Presented for action was Supplemental #2 to Agreement PAW-952009 between Island County and Fakkema & Kingma to add performance of construction management, inspection, administration and record drawings for Humphrey Road Drainage outfall, CRP #97-06, WOO. #120. Roy Allen, County Engineer, stated this represents an addition to the contract of \$15,275.00, with total contract not to exceed \$42,355.00.

By unanimous motion, the Board approved and signed Supplemental Agreement #2 as presented with Fakkema & Kingma, Inc.

HEARING HELD: RESOLUTION #R-49-97, Vacation of miscELLANEOUS County rights of way located within the plat of Feek's First Plat of Island Home Farms, Whidbey Island  
Petitioner Mark Arnold, et.al.

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A Public Hearing was held at 10:30 a.m. as scheduled and advertised to consider Resolution #R-49-97, vacation of miscellaneous County rights of way located within the plat of Feek's First Plat of Island Home Farms, Whidbey Island, by petitioner Mark Arnold, et. al. The request is to vacate right of way in Feek's First Plat of Island Home Farm, between Lots 1, 2 and 3, and also the North 40 feet of the South 1/2 of the Southeast 1/4 of Section 21, Township 29N, Range 3E, W.M., except the West 40 foot portion thereof. In addition to staff members present, at the time of hearing five others were present, including the petitioner.

Roy Allen summarized from the Engineer's Report dated August 5, 1997, and reported in favor of said vacation and that the public would be benefited by the vacation. Right of way proposed to be vacated is Class B, no public expenditures made or non-ascertainable from records, and Sub Class 2, part or all lies within a plated subdivision. However, he recommended only that portion of the petitioned  $\pm 2,640$  LF east-west right of way leg and the abutting  $\pm 1,320$  LF north-south leg lying north of said east-west leg in the N 1/2 of the SW 1/4 of Sec. 21, Twp 29N, Rge 3E, W.M., be vacated and that the north-south leg of the petitioned vacation that abuts the east-west leg at the westerly end and lies south of said east-west right of way leg and lying in the SW 1/4 of the SE 1/4 of Sec. 21, Twp 29N, Rge 3E, W.M. not be vacated in that it provides potential access to acreage tracks 9, 10, 11 & 12

owned by the CRSTOL Whidbey Corp. & T. Carroll Schueler, lying in the SE 1/4 of the SW 1/4 of Sec 21. The public will benefit as stipulated under ICC 12.03.050 a(3) & a(4) in that the road has never been constructed and much of the right-of-way lies in swampy ground that would be expensive to construct and drain the right of way for road purposes. The right-of-way recommended for vacation does not abut against any public right of way and additional right-of-way would have to be acquired prior to developing the existing R/W for public use.

Using maps posted for display to describe said request and his recommendation, Mr. Allen explained that the area shown in pink along the east-west leg and vertical north south leg was as petitioned for vacation - basically the properties that are contiguous to that, except CRSTOL Whidbey Corp. The right of way starts at the end of a private road and ends in the woods by a hay field. He looked at the layout of what is proposed and tried to ascertain what value to the County there would be to retain this right-of-way. The private road that comes into the farm is partially on the right-of-way and partially off. It is very wet along this area. The lots (on paper) are served by an easement across a wetland and he therefore did not recommend vacating that section because it provided potential access to those 4 lots. The green highlight depicts a right-of-way never opened and does not touch Ewing Road (but was not petitioned to be vacated). The age of the plat is 1919-21; the old plat stopped at the section line.

Tina Fouts, 6264 S. Maxwellton Road, understood from Mr. Lanning that the right-of-way came from Maxwellton Road, that he had gifted his grandson that 300' portion. According to Mr. Lanning and other potential purchasers at the time, all understood the right-of-way was there. She is the adjoining property owner and was not aware of this hearing until Friday. She and her husband have not been approached as to any possible right-of-way. Chad Lanning indicated there is no County right-of-way on his portion. If that is the case, the County should take a bigger look at it and not just vacate because it is the only public access to the creek.

Mr. Kwarsick commented to note that what is shown here as orange, is not public - may be a driveway but not public.

As far as satisfying all of the advertising requirements prescribed by law to vacate this road, Mr. Allen advised in the negative, that by law, notice should have been posted in four places, whereas notice was only posted one place.

Mrs. Fouts requested the hearing be continued and that no decision be made today, noting there were several adjoining neighbors in the Maxwellton Valley area who were completely unaware of this matter. Although there was a legal ad in the newspaper, notice was not posted on

Maxwelton Road for public viewing. She asked that notice be posted on Maxwellton Road so everyone in the area is aware of the proposal and can review all the facts and make an objective analysis. She submitted letters from two other neighbors: Greg and Susan Gilles, and Dean Enell, as follows:

*August 11, 1997 3623 Drummuir*

*Clinton, Wa. 98236*

*We live across Maxwellton Road from the farm owned by Mark Arnold. We heard on August 10 that Mr. Arnold is requesting that public right of way on the Feeks Farm Road be abandoned and that you are considering this matter on August 11. We are surprised that we have not heard of this requested action sooner, since we are very interested in matters of this nature in our neighborhood. We were told by another neighbor who only very recently discovered the same fact, that a notification had been placed some distance off Maxwellton road along the Feeks Farm Road and was not at all visible from Maxwellton Road. We have not traveled the Feeks Farm Road recently, because we know that Mr. Arnold has been sensitive about the subject of travel along the Feeks Farm Road. We do not know that we would object to the proposed action; however we do not know that we would not object. We have had no time to inform ourselves on the subject. We request that you delay your consideration of the matter for a reasonable length of time. We will then inform ourselves on the potential impacts on the public good, or the lack of any, which will, we suggest, help you to make an informed decision.*

*Respectfully, Greg Gilles Susan Gilles*

*Commissioners 8/10/97*

*I request that you delay acting on this action until residents of Maxwellton valley have had an opportunity to examine the long range impacts on their community. We residents of this areas take pride in our community and are certainly interested in assuring that long term interests are adequately examined and reviewed by those that will be affected, namely us. There was no public sign posted to forewarn residents of this proposed action.*

*My concerns are:*

*1) Will subsequent development in the Maxwellton Valley be forced to use areas of access which*

*will pose greater environmental compromise than the subject existing Feek's farm easement. For Example, if access to further development in this area must be obtained off of Ewing road, then potentially more wetlands might be impacted than through the Feek's Farm right of way.*

*2) I feel that residents in this area should be given time to evaluate and perhaps comment on this proposed action before it is adopted. It would seem to me that due process should require at least a posting of signs in the adjacent area to let residents know of what is being proposed. There were NO such signs posted,. The only notice was apparently in the legal section of the local press. This is not adequate. I personally did not become [sic] aware of it until Friday (8/8).*

*3) As population increases traffic will become [sic] more of an [-----]. I'd like to examine the potential role of the subject right of way in addressing these future needs before it is abandoned by the County forever. Residents of the area are perhaps the best source of evaluating any mistakes or missed opportunities which might be later realized from [sic] this proposed action.*

*Due to this short notice my schedule does not allow me to attend the 8/11 Commissioners meeting where this will be discussed. Should I be able to attend, I have not had adequate time to review this proposal with respect to the above concerned.*

*Your cooperation is appreciated. Dean Enell, 5936 Maxwellton Road.*

Kathryn Jones, 6051 S. Coles Road, advised that her property includes Miller Lake and adjoins some of Mr. Arnold's property, and is very interested in what is going on in the Valley. Posting signs at the end of an unused road in the middle of a field would help no one, but she would have noticed a sign on Maxwellton Road. She wanted to know more about the proposal, and had always thought there was a possibility Coles Road would eventually connect further down the Island, i.e. attach to Ewing at some point or to the public right of way for recreational use.

Chairman Shelton indicated he had received three similar e-mail messages this morning requesting continuance.

Mark Arnold, Petitioner, 5863 S. Maxwellton Road, owns 168 acres, spoke in support of the proposed vacation. He wanted it clear that Tina Fouts' statement she was unaware of what was going on and wanted continuance of the vacation was outlandish since she and her husband both signed the petition for vacation. As far as Mrs. Jones' statement she owns Miller Lake, Mr. Arnold disagreed, stating she owned 5 or 10 acres and had no connection to Mr. Arnold's property whatsoever. The vacation proposed does not lead to anyone else's property other than his own, and these rights-of-ways were taken out of the property he

purchased over a year ago. The Fouts have no county right of way that touches their property, and the Lannings own the other side of the property and the entire Lanning family signed the petition for vacation. Mr. Arnold owns on both sides of the right of way, and the land it was originally taken out of goes to nowhere. As far as the lots Mr. Allen referred to that could utilize the right of way and because of that opted not to recommend that portion be vacated, Mr. Arnold pointed out that those lots would not be able to again access from the Maxwellton Road down the right of way to access the land, rather would have to come off Ewing Road. There is absolutely no reason for this not to be vacated.

Mrs. Fouts believed that the issue had been misrepresented to she and her husband and wished their names to be removed from the petition for vacation. They had believed it was the north-south section of the four 10 acre tracts that were developed and already approved by the County, and were not aware of the east-west tract being vacated.

Focusing on the issue of required advertising and posting, Commissioner McDowell observed that since required posting had not been done, should the vacation be approved it could be easily overturned. Mr. Kwarsick agreed that it would certainly provide a bonafide challenge to the procedural problem. The statute requires posting to commence 20 days before the hearing date.

By unanimous motion the Board continued the public hearing until September 8, 1997 at 10:45 a.m.

HEARING HELD: RESOLUTION #C-43-97 (SW-009-97) Reducing  
Solid Waste and Septage Tipping Fees for years 1998-2000

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A Public Hearing was held at 10:45 a.m. for the purpose of considering Resolution #C-43-97 [SW-009-97] reducing solid waste and septage tipping fees for the years 1998 to 2000. Mr. Kwarsick commented that the hearing was set to consider reduction of tipping fees both for solid waste and for septage, resulting from a special rate study commissioned with Paul Running and Associates. The study came about as a result of some opportunities presented to the County as a result of negotiation on existing contract with Waste Management relative to extension of the contract and disposal fees, as well as a result of the County's ability to operate efficiently and reduce operating costs.

Dave Bonvouloir, Solid Waste Manager, presented the Resolution to adopt Exhibit A, rate fee for the years 1998 to 2000 [note the charge for additional can or bundle is \$2.00].

Paul Running explained he had assisted the Public Works/Solid Waste Departments and the Solid Waste Advisory Committee in preparing the proposal for the recommended rate. Recycling costs are increasing and the actual rate for the first can and bundle has increased slightly to cover the cost of the recycling program. Historically, the County has classified the recycling costs as a customer cost - everyone arriving at the waste

facility pays the same fee to recycle waste materials regardless of how much is brought in. The rate study proposes this continue to be a customer cost, whereas the waste disposal cost is based on mass because that is the way the County pays for the waste transportation and disposal cost to the Oregon landfill.

Mr. Bonvouloir indicated that solid waste attendants are very specific about exactly what people are being charged and everyone is told that fee includes a recycling fee. Island

Disposal characterizes their recycling operation as a break even fee that provides employment for nine people. Aluminum can be recycled in a profitable way; steel and cardboard to some extent. The big losers are glass of all kinds, newspapers, plastics [below #1's]. However, as Mr. Kwarsick pointed out, recycling saves space and reduces transportation costs. What has not yet emerged are secondary markets and this is still something that needs to happen in this country.

By unanimous motion, the Board approved Resolution #C-43-97 [SW-009-97] as presented.

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

**IN THE MATTER OF REDUCING )  
SOLID WASTE AND SEPTAGE ) RESOLUTION NO. SW-009-97  
TIPPING FEES FOR THE YEARS ) C-43-97  
1998-2000**

**WHEREAS**, the Board of Island County Commissioners has approved a seven year contract extension with Waste management of Washington, Inc. reflecting recently negotiated and substantially reduced waste disposal fees; and

**WHEREAS**, a three-year Rate Study for the Island County Solid Waste Program was recently completed which, after projecting future revenues and expenditures, recommends reduced solid waste and septage rates; and

**WHEREAS**, the board of Commissioners approved resolution SW-007-97 permitting retention of interest earned on solid waste working capital reserves to be retained in that fund, thereby allowing additional rate reduction; and

**WHEREAS** it is the desire of the Board of Commissioners and the Department of Public Works to pass savings on to solid waste rate payers including a price decrease in septage rates.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS** that the schedule for Solid Waste & Septage Disposal attached as "Exhibit A," shall be in effect from January 1, 1998 through December 31, 2000.

**ADOPTED** this 11th day of August, 1997

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy Member

**ATTEST:** Elaine Marlow, For:

Margaret Rosenkranz, County

Auditor & Ex-Officio

Clerk of the Board

**EXHIBIT "A"**

**ISLAND COUNTY SOLID WASTE & SEPTAGE FEES**

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**NOTES:**

\* A 3.6% utility tax is added to all solid waste fees listed except franchise haulers who pay the fee directly to the State. There is no sales tax on MSW charges.

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\* A \$3.85 recycling fee is charged to all vehicles crossing the scale or depositing waste at all facilities except for minimum rate payers (the fee is included in the \$5.75 "first can" charge) and vehicles delivering only appliances and/or tires.

**RATE STRUCTURE, 1998-2000**

**1. COUPEVILLE - CENTRAL SOLID WASTE FACILITY (a, f, h)**

First Can or Bundle (b) \$5.75 ea.

Additional Can or Bundle (b) \$2.00 ea.

Municipal Solid Waste (MSW) (c) \$88.00/ton

(Recycling fee, per vehicle) plus \$3.85

Segregated Yard/Garden Debris (e) \$60.00/ton

(Recycling fee, per vehicle) plus \$3.85

—

Inert/Demolition Debris (g) \$88.00/ton

(Recycling fee, per vehicle) plus \$3.85

—

Segregated Recyclable Materials (d) 0

Household Hazardous Waste 0

Used Motor Oil 0

**2. RECYCLE PARKS/SATELLITE TRANSFER STATIONS (a, f, h)** (Camano, Oak Harbor, Bayview) (d, f, g) (Freeland) (d, j)

First Can or Bundle (b) \$5.75 ea.

Additional Can or Bundle (b) \$2.00 ea.

Municipal Solid Waste (MSW) (c) \$88.00/ton

(Recycling fee, per vehicle) plus \$3.85

Segregated Yard/Garden Debris (e) \$60.00/ton

(Recycling fee, per vehicle) plus \$3.85

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**2. RECYCLE PARKS/SATELLITE TRANSFER STATIONS (a, f, h) Con't.**

Inert/Demolition Debris (g) \$88.00/ton  
(Recycling fee, per vehicle) plus \$3.85

—  
Segregated Recyclable Materials (d) 0  
Household Hazardous Waste 0  
Used Motor Oil 0

**3. SPECIAL WASTES (g, i)**

—  
Appliances, each \$17.00  
Tires, each \$ 6.00  
Asbestos, (Coupeville only), per ton (k) \$ 200.00

**4. SEPTAGE** (\$/GALLON-at Coupeville only) \$0.152

**AVAILABLE DISCOUNTS:**

—  
Low income discount cards are available at the Energy Assistance Program /Opportunity Council, and Senior Centers on Whidbey and Camano Islands. These cards, which must be presented at each visit to a solid waste facility, allow holders a 50% discount. This discount is applicable to household waste from the card holder's residence only, and is not transferable.

For certain organized community clean-up by volunteers, roadside litter pickup by organized groups, certain activities by non-profit community or thrift institutions, Island County contract recyclers, and/or other special cases, disposal fees may be adjusted or waived on a case-by-case basis by the Solid Waste Manager or Public Works Director.

**CREDIT**

No credit or "charges" are available except as permitted by State law and pre-authorized by the Public Works Director, Solid Waste Manager, or Solid Waste Accountant. A heavy user may leave a blank, signed check to be completed with total charges and the end of each day. Frequent heavy users may set up a pre-paid or guaranteed charge account.

**EXPLANATIONS AND FOOTNOTES**

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(a) Bulky items greater than four (4) feet in any dimension are accepted at the discretion of the station attendant. Specific questions should be phoned in prior to delivery at a facility. Special requests can often be accommodated.

(b) Based on a standard 32-gallon container or bundle not exceeding forty (40) pounds.

(c) Plus a \$3.85 recycling surcharge.

—  
(d) "Recyclable materials" include only those materials identified as high or medium priority items in the 1994 Amendments to the 1991 Solid Waste Management Plan, those identified/posted at the Recycle Parks, or those which subsequently are identified by the solid waste management staff as acceptable for recycling purposes.

(e) Segregated (uncontaminated) Yard Waste or "clean green" includes yard debris up to 3 inches in diameter and less than 4 feet in length, clean, untreated, unpainted wood including pallets, grass clippings, leaves, and bush/shrub prunings and similar materials. Debris shall be residential in origin. Commercial or municipal grass clippings and/or yard/garden debris shall be accepted only upon prior approval of the solid waste manager, recycling coordinator. All loads are accepted at the discretion of the scale attendant. Debris must be free of any plastic bags/containers, metals (large spikes, fasteners, hinges, etc.) or other contamination not otherwise detailed. Yardwaste will only be accepted as a separate material at reduced rates at recycle parks when yard waste programs are operational; until that time, Coupeville only.

(f) Transfer Stations/Recycle Parks may periodically alter working hours, including holidays, in accordance with public demand.

(g) Inert/demolition debris is accepted at Coupeville and Camano transfer stations only. Camano station should be notified in advance of large loads. Inert/ Demolition debris is not accepted at Oak Harbor, Bayview, or Freeland Recycle parks. Appliances, tires, and/or steel are not accepted at the Oak Harbor or Bayview transfer stations.

(h) Coupeville and Camano facilities will charge \$13.20/cubic yard for solid waste (MSW), and \$9.00 /cubic yard for segregated yard/garden waste on a volume basis when scales are temporarily out of order.

(i) Fees for tires and appliances shall be charged separate from and not in addition to the tipping fee. The \$3.85 recycling charge does not apply to customers who are delivering only appliances and/or tires.

(j) At present, Freeland is a recycling center. Solid waste is accepted at Freeland only as incidental to the facility's primary purpose of recycling. No household or other hazardous wastes are accepted at the Freeland facility including appliances (refrigerators/ freezers, air conditioners) containing hazardous waste elements such as Freon).

(k) Asbestos must be handled according to procedures established by the NW Air Pollution Control Authority.

### **Final Rezone/TDR - KATHWOOD**

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Erika Jensen, Associate Planner, presented the following applications associated with Kathwood Planned Residential Development, for final approval, Parcel Number R13218-251-1980. Preliminary approval of all three applications occurred on February 5, 1996.

Ms. Jensen also presented for the Board's acceptance, Bond #5895327, Safeco Insurance Company of America, in the amount of \$281,204.00 to guarantee completion of quarry spalls; detention pond; 4' wide trail; hydroseeding; gravel base 6", compacted depth (95% complete); crushed surface top course 2" compacted depth; asphalt concrete pavement class B, 2" compacted depth; stop with street signs; utility trench; waterlines; drainage structures; sanitary sewer systems; recreation area; and buffer area.

USA 008/94: acceptance of Deed of 48 Development Rights to comply with the criteria for the accompanying rezone application. The document will convey the development rights to the County.

REZ 005/94 (Ordinance #C-44-97 [PLG-015-97] ): final approval of reclassification of zoning from Rural Residential to Residential of a 17 acre parcel.

PRD 002/94, Kathwood PRD: final approval of Kathwood PRD 002/94, a 30 lot subdivision on 17 acres.

Accept Bond #5895327: \$281,204.00.

Representing Kathwood, Inc., were: Laurance Moses, Island Construction, and Bob Cray, Fakkema & Kingma. The property is located north of Patton's Hideaway and a little south of Hastie Lake Road. The water source for Kathwood PRD is from Shirona Water system.

Mr. Moses explained the reason for the size of the bond and the necessity for doing it in this fashion was that the majority of the funding for self-help housing comes through the Federal Farmers Home Administration which runs on a fiscal year ending September 30th. Self-help housing has assured there is money available in FY1997, but has to be obligated by September 30. The bond amount initially was determined based on the

winning bid to do all of the work, with the exception of the recreation area which was added later, multiplied times 1.25 for proper cushion. Should for whatever reason Kathwood PRD default, Island County would be free to use the bond money as deemed necessary to complete the work. Intent is to complete all the work within a year, and not ask for any partial release of the bond; the full value will remain for the full year.

At the end of the year if the work is not completed, the bond will have to be renewed at some level depending on the work remaining to be done.

Bob Cray added to note that the amounts in the bond were itemized because this project went out for competitive bidding and those were the unit cost bid items, and demonstrate the numbers are correct and what they are based on for the total amount of the bond. As work would progress, with this type bond, there will be no requests for release of partial bond dollars; this is a surety bond and is in place for one year.

By unanimous motion, the Board approved USA 008/94 and Deed of 48 Development Rights; adopting Ordinance #C-44-97 [PLG-015-97] approving Rezone 005/94 reclassifying zoning from Rural Residential to Residential of a 17 acre parcel; final approval of PRD 002/94, Kathwood PRD, a 30 lot subdivision on 17 acres and the acceptance of Bond #5895327 in the amount of \$281,204.00.

Mr. Moses commented that with this approval, it was a very fine step in affordable housing for Island County. He personally expressed his appreciation for very professional work on the part of Debra Little, Planning Department; Siri Klovstad, Health Department; and

Bud Fry, Public Works.

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

IN THE MATTER OF RECLASSIFICATION OF PARCEL R13218-251-1980 FROM RURAL RESIDENTIAL TO RESIDENTIAL KATHWOOD PRD:	) ) ORDINANCE NO. C-44- 97 ) PLG - 015 - 97 ) )
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**WHEREAS**, an application for a Rezone, REZ 005/94, was accepted by the Department of Planning and Community Development on August 29, 1994 wherein Kathwood Incorporated requests reclassification of zoning from Rural Residential (RR) to Residential (R) for the development of a 30 lot Planned Residential Development (PRD) on a 17 acre parcel; and

**WHEREAS**, the parcel is located east of Northview Drive on Williams Road, North Whidbey Island, Island County, Washington, a portion of the West ½ of Section 18, Township North, Range 1 East W.M., Assessor Parcel Number R13218-251-1980 and more specifically described in Exhibit A; and

**WHEREAS**, said application was heard at a public hearing before the Island County Planning Commission on January 16, 1996, and

**WHEREAS**, the Planning Commission found said reclassification to be in conformance with Island County Code 17.02.210. ICC - Island County Zoning Ordinance and prepared Findings of Fact, Conclusions and a Recommendation with Conditions of Approval on said reclassification; and

**WHEREAS**, the Board of Island County Commissioners held a public meeting on February 5, 1996, and reviewed and accepted the Planning Commission Recommendation for preliminary approval; and

**WHEREAS**, the conditions of Preliminary Approval have been met by the applicants attached as Exhibit B; NOW THEREFORE

**BE IT HEREBY ORDAINED** that the parcel described in attached Exhibit A is consistent with the conditions set forth in Exhibit B, and is hereby reclassified to Residential.

**APPROVED AND ADOPTED** this 11th day of August, 1997.

**BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

**ATTEST:** Elaine Marlow, For:

Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board

CONTRACT #HS-08-97 BETWEEN ISLAND COUNTY AND THE  
RECOVERY CENTER/ST. JOSEPH'S HOSPITAL

-  
Tim McDonald, Health Services Director, presented for approval Contract #HS-08-97 between Island County and The Recovery Center/St. Joseph's Hospital, in the amount of \$486,31, two year contract for substance abuse. He called the Board's attention to the comments of the Deputy Prosecuting Attorney who approved

the contract as to form subject to the Board expressly waiving competitive solicitation per Island County Code 2.29.030L at this open public meeting. This matter was discussed with the Board during staff session, noting that the Mental Health and Substance Abuse Advisory Board recommended not going out for every year. This did go out for solicitation last biennium. It takes so long to develop the program the recommendation is to go out for solicitation the next biennium. Staff supports that recommendation.

The Board, on unanimous motion, approved Contract #HS-08-97 and waive the competitive bid for this next two year period, going out for competitive bids the following two year period.

AMENDMENT #5 TO CONTRACT WITH DEPARTMENT OF HEALTH &  
ISLAND COUNTY - CONSOLIDATED CONTRACT #9920-04737

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Mr. McDonald presented Amendment #5 to Contract #9920-04737 with the Department of Health, representing a net decrease of \$937 to the Consolidated Health Contract, representing changes made to conform the current consolidated contract with the recent changes by the legislature.

The Board by unanimous motion approved Amendment #5 to Contract #9920-04737 as presented.

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There being no further business to come before the Board at this time,  
the Chairman adjourned the meeting at 11:45 a.m., to meet next In Regular  
Session on August 18, 1997, beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

Attest: [absent - Tom Shaughnessy, Member ]

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Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board