ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - MAY 4, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on May 4, 1998, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Wm. L. McDowell, Chairman, Tom Shaughnessy, Member, and Mike Shelton, Member, were present. Attending also were Margaret

Rosenkranz, Clerk of the Board, and E. Meyer, Adm. Assistant to the Board. Minutes from the meetings of March 23 and 24, 1998, were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher/Warrant** #25403-25630……. $184,133.94.

Northwest Washington Private Industry Council

(NW PIC) - Program Year 1998 and 1999 Job Training Plan

Gay Dubigk, Executive Director, NW PIC, presented a summary of the Northwest PIC Program Year 1998 and 1999 Job Training Plan for Job Training Partnership Act money administered by the Private Industry Council.

When reviewing the Plan, Chairman McDowell noticed there was no link between PIC and Employment Security inasmuch as Island County has no Employment Security office. The Plan discusses what is being done by PIC and jointly with Employment Security but does not address how to get beyond that in Island County where there is no Employment Security Office. Page 22 provides statistics on participation in the PIC program but there is no way to know how many of those represent Island County people compared to Whatcom, Skagit or San Juan counties. Many of Island County's unemployed probably have no way to get to the nearest office which is in Mt. Vernon; therefore, there is no accurate representation in terms of numbers from Island County. This is an issue that relates to less and less funding available through this program for Island County in that funding is based on the numbers of people unemployed and Island County does not have an accurate number represented.

Ms. Dubigk indicated JTPA funding was based on a Federal formula with several criteria; those factors in the formula represent how the Federal government distributes to each State; the State in turn uses that formula to distribute funds to PICs. It is labor market information; unemployment insurance is the domain of Employment Security, not PIC's. Island County will be approximately 10% of the total funding. NW PIC knows how much the allocation is for each of the four counties and budgets, spends and works with that amount of money as if it were an entity in itself. Island County has had the benefit of several years when formula factors took a real dip, through use of what is called the "10% hold harmless" to not go below 10% of last year's funding. Referring to page 22, she noted that out of 371, Island County numbers will be: 37 adults; 24 youth; 44 dislocated workers; 4 older workers; and 5 hard to serve.

Commissioner Shelton explained the frustration: Island County has 22% of the population but only 10% of the funding; with no Employment Security office situated in Island County, many of those people traveling from Island County to the Employment Security office in Skagit County ultimately get counted in Skagit County'' figures, and that situation is especially true on Camano Island with a zip code problem that relates to Snohomish County and those people are counted as Snohomish County residents.

Ms. Dubigk provided a copy of some information showing projected program year 1998 allocations for Title II [low income] and Title III [dislocated worker] showing across the top of the page the formula used state-wide, divided by region, and each formula broken down by county in the state. The following page shows how the money breaks down using the formula. PIC has no role with collection of that data. What is before the Board today is the Plan for the Job Training Partnership Act money that PIC is responsible for administering.

The Chairman commented that the Plan discusses how PIC and Employment Security work together on several different programs, yet does not explain how that shortfall to the residents of Island County will be made up or how PIC will deal

with that. If PIC does not deal with it there needs to be a clear statement in the Plan to indicate that.

Ms. Dubigk advised that PIC agreed to the notion of a One-Stop Career Development Center system for work force preparation resources in the community. There are now two designated Centers: one in Bellingham and one in Mt. Vernon. Intent is that the required partner agencies [PIC, Employment Security, Community and Technical Colleges; DSHS,] co-fund and co-manage these Centers. The two centers are being funded by PIC, with some sharing of staff to provide services at the centers. After the Centers, there is what is called an Affiliate which has the same amount of services [not intense service like all of unemployment]; PIC has committed to be an Affiliate and do whatever it takes to have Island County be an Affiliate office in the One-Stop Career Development Center system.

Commissioner Shelton commented with respect to the Welfare to Work program; with almost 700 Island County residents the Federal government has indicated are to come off welfare and go to work, it is very important Island County residents have the same opportunity to get off welfare and get to work that every other welfare recipient in every other county has, which clearly is not the case now due to the lack of an Employment Security office in Island County. With a county population of 75,000 people he thought it inconceivable not to have an Employment Security office in Island County. While some may want to believe Island County is a rural wealthy enclave with no problems, that is not true and he asked PIC to continue efforts on behalf of Island County to get an Employment Security office located in Oak Harbor.

Additionally, Chairman McDowell asked Ms. Dubigk to rewrite the Plan to reflect the problem: everywhere Employment Security fits in the program and Island County has no ability to participate as other counties do, that note be included in the Plan.

Ms. Dubigk acknowledged there are some major differences between Whatcom County and even Skagit county. Some of the issues for Island county are no different than in Skagit or San Juan counties. There is the problem with the attitude that Island County is a rich enclave; the other problem has been that Island County was designated as remote, which in this case means that services do not have to be provided directly.

Although Island County may be remote, Commissioner Shelton stated the fact that there are 75,000 people and that has a definite impact on remote, and as that number rises the remote designation has to be removed.

Ms. Dubigk is asking for Commissioner McDowell's review and signature on the NW Region's OneStop Career Development Business Plan in his role as Chief Elected Official for the Northwest Washington Private Industry Council. Island County Commissioners have direct authority to approve or not that Plan, which speaks very specifically to what the four counties will do around the notion of One-Stop Career Development Centers. The Board of Commissioners can instruct her as far as what they expect to see. As a member of CETC, she can take the wishes of the Island County Commissioners to the leadership of the Cascade Employment and Training Connection (CETC), the local partnership for the State's One-Stop Career Development Center system for Skagit, Island and San Juan counties:

Lydia Ledesma-Reece, President, Skagit Valley Collete

Joe Ruiz, Administrator, Mt. Vernon Job Service Center

Linda Mittleider, Administrator, DSHS, Oak Harbor

Dorothy Zarezke, Administrator, DSHS, Mt. Vernon

Kelly Prime, Economic Dev. Assn. of Skagit County

Bill Schuler, Director, Skagit County Community Action Agency

Judy Abbott, Ex. Director, Div. Vocational Rehabilitation, Everett

Nelson Meyers, Deputy Commissioner, Employment Security, Olympia

Tom Hilyard, Regional Director, Employment Security, Tacoma

After the meeting regarding Workforce, Ms. Dubigk reported that she had discussed at length with Nelson Meyers and

Tom Hilyard the issue of making available some PIC resources to put Employment Security resources in Island County; Ms. Dubigk agreed to do that but has not yet heard back from Joe Ruiz. There will be a radical difference in unemployment insurance State-wide probably by the end of 1998; no longer will anyone receiving unemployment insurance have to go to an office, but all done over the phone.

Chairman McDowell made the point again: Island County as far as a local employment office is completely left out and that comment needs to be made in the Plan. He wants to see every time there is a comment in the Plan regarding Employment Security, a comment explaining the situation with that Island County, both Camano and Whidbey Islands. On Page 22 of the Plan, for the last complete year of statistics – how many of those participants are Island County residents, how many others.

Commissioner Shelton observed that the Plan primarily addresses Skagit and Whatcom counties, and how services are being provided to San Juan County but Island County is mentioned only once. He wants to see in the Plan at least some discussion about the fact that these are circumstances residents of Island County face and here is how PIC hopes to address the known deficiencies in the system, the primary known deficiency being the lack of an ES office in Island County. Until that issue is resolved, he did not believe citizens of Island County would receive a fair shake, and wanted PIC to clearly enumerate that deficiency in the Plan.

Commissioner Shaughnessy agreed with Commissioners McDowell and Shelton and stressed to Ms. Dubigk thatthose problems for Island County need to be identified in the Plan. Gay Dubigk agreed to provide some additional narrative to the specific JTPA Plan that addresses some of the known deficiencies and discussion of circumstances to show how in Island County it hopes to address those known deficiencies. She agreed to take this discussion from PIC to the leadership meeting to the Consortium indicating the Board's request for services in Island County.

[Note: the Plan to be revised per above discussion and brought back before the Board at public meeting on May 11]

Finally, Ms. Dubigk left some copies of brochures "1997 Summer Youth Internship Program Summary Report".

MENTAL HEALTH & SUBSTANCE ABUSE ADVISORY BOARD APPOINTMENT

The Board, by unanimous motion, appointed Amy Ayers, Coupeville, to serve as a member on the Mental Health & Substance Abuse Advisory Board for a term to July 1, 2000.

Hiring Requests & Personnel Actions

R. J. Toft, Human Resources Director, summarized from two requests to approve personnel action authorizations. On review and consideration, the Board by unanimous motion approved the following:

Health Department

PAA #031/98 Env. Health Spec. Position #2407.05, Replacement, effective 5/7/98

Planning Department

PAA #032/98 Assoc. Planner Position #1708.01, Replacement, effective 5/29/98.

Resolution #C-51-98 Adopting the Revised Island County

Personnel Policies & Procedures Manual

A proposed resolution was presented to the Board for adoption of revised Island County Personnel Policies and Procedures Manual, signed off by Elected Officials, with two comments, both from Superior Court Judges.

By unanimous motion, the Board approved of Resolution #C-51-98 in the matter of Adopting the Revised Island County Personnel Policies and Procedures manual

Larry Kwarsick, Director, Public Works Department, thanked Mr. Toft for all his work and effort, and thanked the Board

for action taken today which will provide an opportunity to other county employees for the transfer of leave for employees who are stricken severe illnesses. It is important and relieves a burden from backs of those employees and families.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY WASHINGTON

RESOLUTION ADOPTING THE REVISED }

ISLAND COUNTY PERSONNEL POLICIES } RESOLUTION NO. C-51-98

AND PROCEDURES MANUAL }

WHEREAS, the Island County Employee's Manual has had several changes and additions since the initial adoption on June 6, 1994; and

WHEREAS, it is necessary to periodically update and modernize Island County's personnel policies and procedures; and

WHEREAS, personnel policies and procedures cover areas within the sole authority of independently elected officials so that joint action of all affected County elected officials acting in concert is necessary; **NOW THEREFORE,**

IT IS HEREBY RESOLVED that the attached revised Personnel Policies and Procedures Manual is adopted and the other Island County independently elected officials have been presented with this resolution to approve as well. Upon adoption of this resolution, the provisions of the current Island County Personnel Policies and Procedures Manual adopted June 6, 1994 and as revised thereafter are hereby superseded by the attached Personnel Policies and Procedures Manual.

ADOPTED this 4th day of May, 1998.

BOARD OF COUNTY
COMMISSIONERS

ATTEST: ISLAND COUNTY, WASHINGTON

Margaret Rosenkranz, Wm. L. McDowell, Chairman

Clerk of the Board Mike Shelton, Member

Tom Shaughnessy, Member

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney

PERSONNEL POLICIES AND PROCEDURES MANUAL APPROVAL

Thomas Baenen, Assessor William Hawkins, Prosecuting Attorney

Suzanne Sinclair, Auditor Michael Hawley, Sheriff

Marilee Black, Clerk Alan Hancock, Superior Court Judge

(approved
except for
2.01.060B.2,

which we believe should be discretionary with the Dept. Head. and will be so construed for Superior and Juvenile Court employees.)

Robert Bishop, Coroner Vickie Churchill, Superior Court Judge

(approved except for 2.01.060B.2, which we believe should be discretionary with the Dept. Head and will be so construed for Superior and Juvenile Court employees.)

Peter Strow, District Court Judge Maxine Sauter, Treasurer

HEARING HELD: ORDINANCE #C-42-98 (R-17-98) AMENDING ISLAND COUNTY CODE CHAPTER 9.56 TO INCLUDE GREENBANK FARMS TRAIL

A public hearing was held at 10:15 a.m., as scheduled and advertised, for the purpose of consider-ing proposed Ordinance #C-42-98 [R-17-98] amending ICC Chapter 9.56 to include Greenbank Farms Trail and replace prior Kettles Trail map.

Mr. Kwarsick explained the purpose was to expand the existing motorized trails ordinance adopted by the Board for the Kettles Trail to also include trails within the County's Greenbank Farm property, proposed to be done by map exhibit to show the trail system. The Greenbank trail exists as is shown; the portion represented on the map actually within the farm property, although it is a walkable trail it is not an improved trail; this trail system was reflected in contractual sales agreement with the Port of Coupeville.

Public Comments

No one attending the hearing spoke either for or against the proposed ordinance.

Board Discussion/Action

On review, the Commissioners made the observation that the title of the Ordinance really did not reflect intent in that "replace prior Kettles Tail Map" is incorrect because the Greenbank Farms Trail is in addition to the Kettles Trail Map and does not replace the Kettles Trail Map. Additionally the fourth paragraph of the Ordinance, the "Be It Hereby Ordained" paragraph, needs to be changed to reflect that same issue: the word "replaced" should be changed to "revised" and "Attachment" changed to "Exhibit".

By unanimous motion, the Board approved Ordinance #C-42-98 [R-17-98]with the two changes as noted.

BEFORE THE BOARD OF COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING	)		
ISLAND COUNTY CODE CHAPTER	)	**ORDINANCE NO**.	C-42-98
9.56 TO INCLUDE THE GREENBANK	)		R-17-98
FARMS TRAIL AND WITH ~~REPLACE~~	)		
~~THE~~ PRIOR KETTLES TRAIL MAP	)		

WHEREAS, Ordinance C-62-96/R-67-96 was adopted on January 27, 1997 (and amended by C-28-97 on June 23, 1997) to include non-motorized trail use regulations in the Island County Code; and

WHEREAS, the prior map (Attachment A) for the Kettles Trail did not specify the Section, Township and Range of the trail; and

WHEREAS, a new trail called the Greenbank Farms Trail needs to be listed as one of the trails covered by the ordinance; **NOW THEREFORE,**

BE IT HEREBY ORDAINED that ICC *Section 9.56.010 Purpose* be amended as indicated on "Exhibit A" and that the prior Kettles Trail map be ~~replaced~~ revised with attached ~~Attachment~~ Exhibit A. Added language is underlined.

Reviewed this 13th day of April, 1998 and set for Public Hearing at 10:15 a.m. on May 4, 1998.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

[Wm. L. McDowell - absent]

Tom Shaughnessy, Acting Chair

Mike Shelton, Member

ATTEST: Margaret Rosenkranz

Clerk of the Board

Adopted this 4th day of May, 1998 after Public Hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST: Margaret Rosenkranz

Clerk of the Board

APPROVED AS TO FORM

David L. Jamieson, Jr.,

Deputy Prosecuting Attorney and
Code Reviser

EXHIBIT "A"

Island County Code

Chapter 9.56

Nonmotorized Trail Use Regulations

9.56.010 Purpose

A. This chapter constitutes the general regulations which will be in effect for those County Non-Motorized Trails in unincorporated areas of Island County as follows: Kettles Trail and Greenbank Farms Trail. Refer to Attachment "A" and "B" Maps. These general regulations are in addition to other applicable County, State, and Federal laws.

PRELIMINARY SITE PLAN APPROVAL - SPR 164/97

Site Plan Review SPR #164/978 came on before the Board for consideration, having been continued from April 230, 1998.

On April 20th, Stacy Tucker, Assistant Planner, Island County Planning Department, presented SPR #164/97 by US West Communications for approval, an application for an unmanned cellular communications tower and four equipment cabinets at 4643 State Highway 525, Clinton, Parcel #R32924-116-3080, per the recommendation of the Hearing Examiner for approval with conditions. At that time Frank Todd, adjoining property owner, provided a copy of an easement agreement: #85001819, Agreement Revoking Easement, Creating New Easement for Ingress, Egress and Utilities, Easement for Signs, and Maintenance Agreement. Mr. Todd is an adjoining property owner. Ms. Tucker had confirmed that issue was raised during the hearing before the Hearing Examiner and was addressed in the Hearing Examiner's recommendation. The matter was continued to this date and time to allow an opportunity for the issue of the easement to be addressed with the Deputy Prosecuting Attorney.

As the Board is aware, Stacy Tucker noted that the Board received a memo from Debra Little, Development Services Coordinator on May 1, confirming that the Deputy Prosecuting Attorney indicated there is no restriction on the use of the easement on which the restaurant and proposed cellular facilities are to be placed. Further, it was noted that if Parcel B is not involved, no access problem is present to justify denial of the site plan review application. Planning staff reviewed the easement document as filed and determined the location of Parcel B is immediately adjoining the west boundary of the subject site and the easement document limits the use of the easement for Parcel B to only one residence on Parcel B. Staff continues to recommend approval, with conditions. Chairman McDowell recalled that in his discussion with Dave Jamieson, it was determined that in fact as stated the Hearing Examiner addressed the matter in his findings.

The Board by unanimous motion approved preliminary site plan review SPR #164/97, U. S. West Communications.

Board's written decision–Appeal #098/98 by Joanne Keefe of Hearing Examiner's decision #304/97, variance application of Diane Tinker

Planning staff provided the Board with a draft written decision in the matter of an appeal of Hearing Examiner's decision #304/97, granting Diane Tinker, Applicant, a Variance with conditions to allow construction of a garage at 35' from the Maxwelton Road centerline instead of the regulated 50' distance. The Board held a closed record appeal on April 6, 1998, and in accordance with "Procedure To Hear Closed Record Appeals" the individual statements of the Board were provided at the meeting of April 27, 1998.

The Board accepted the draft for review during the following week, with formal action scheduled for May 11 during the Planning Department's agenda.

Final Site Plan Approval, SPR #362/97, Nextel Communications

Ms. Little presented final site plan approval for SPR #SPR #362/97 by Nextel Communications, for a 150' communication tower with access off Camano Hill Road, Camano Island. The project was granted conditional preliminary SPR approval on February 2, 1998. The application for final SPR has been reviewed by staff and all conditions of approval have been met, with the exception of landscaping. Landscaping must be in place prior to final inspection and occupancy.

By unanimous motion, the Board approved Final Site Plan Approval, SPR #362/97, Nextel Communications, as presented

HEARING HELD: Ordinance #C-36-98 Public

Disturbance Noise Control

As scheduled and advertised, a public hearing was held at 11:00 a.m. to consider proposed Ordinance #C-36-98, public disturbance noise control. The proposed ordinance would prohibit sounds emanating from animals, motor vehicles, yelling, shouting, singing, audio sound systems, musical instruments, bands, social gatherings and firearms which unreasonably disturb or interfere with the peace, comfort and repose of owners and possessors of real property. A first offense within one year is subject to a $25 civil penalty; a second offense within one year subject to a #125 civil penalty; and a third or subsequent offense within one year punishable as a criminal misdemeanor. Copies of the proposed ordinance, along with WAC 173-60-050 were provided. The Hearing room was filled to capacity; overflow using the hallway and room next door.

INTRODUCTION AND OPENING REMARKS

Mike Hawley, Island County Sheriff, opened with remarks from the standpoint of law enforcement, the Sheriff's Department for a number of years has been receiving noise type complaints increasingly. To illustrate, he relayed information from an actual 9-1-1 call Friday: a woman who works at Boeings called in to say that she left her residence about 6:00 a.m., her dog outside in the back yard, and when she came back home at about 6:00 p.m., someone had entered her back yard and taped the dog's mouth shut with electrical tape. From a law enforcement perspective, Island County lost its rural virginity years ago; last year the FBI reclassified Island County as a suburban county. By all demographics, crime rate, type of crimes, Island County is a suburban county. If there's a problem, walking up to your neighbor and talking about it is a characteristic of a self regulating less dense population. Island county has become the second most dense county in the State, with nearly 80,000 people crammed in about 200 square miles. The Sheriff's Department is now handling about 500 noise complaints a year. Another thing that affects this county is that the nature of the population is changing. people are moving here not from rural areas but from cities and have a very high expectation of services. Yet another factor is the media that alerts about all the dangers around us. The Department handles noise complaint calls now by going out and contacting the people making the noise and asking them to tone it done, but there is no "teeth" to back them up providing consequences. The Sheriff is responsible for keeping the peace and he needs this ordinance as a tool to help him do that.

For the record, the Sheriff noted he had received much correspondence on this subject, and provided same to the Board in three packets: (1) Editorial and Municipal Support of Proposed Noise Ordinance; (2) Communications from Citizens in

opposition to Proposed Noise Ordinance; and (3) Communications from Citizens in Support of Proposed Noise Ordinance. Correspondence is running about 8 to 1 in favor of the proposed ordinance.

Sheriff Hawley cited some examples of what the ordinance will not do:

- no enforcement against such things as property maintenance, i.e. lawn-mowing, chain saws
- building construction noises between 7:00 a.m. and 10:00 p.m.
- normal noises allowed to occur by State law

He envisions tickets will be very few. Deputies do not take the word of the person complaining, rather go outand investigate, find evidence of the violation, put together a report. He could not see citing someone on the first instance or even probably the second instance. Just having the ordinance on the books he thought would probably resolve 80 to 90 % of the problems. Sheriff Hawley asked that the Board enact the ordinance as something very beneficial to the citizens of Island county.

PUBLIC INPUT

Steve Erickson, Langley, was troubled that someone on a porch singing and playing an acoustic guitar could be cited as a misdemeanor while someone operating a private helicopter from a back yard would not be, which is proposed in the Comprehensive Plan, since a private helicopter will disrupt the peace and safety of many more people than someone singing and playing an acoustic guitar. He agreed there needs to be something on the books, i.e. logging operations starting at 5:30 a.m., but believed the ordinance under consideration today went overboard.

Robert Anderson, L&M Acres, felt no one would have a problem with breaking up loud noises and parties, but he saw no time limits spelled out in the ordinance or anything that would require proof; rather, it seemed to be left up to the discretion of others. He understood wanting to provide for a "quiet time" from 2100 at night until 0700 in the morning. He, like others, moved to the country in Island County in order to have some freedom, and thought there was an existing law allowing discharge of firearms, unless reckless endangerment, and asked if this ordinance was just another means to disarm the American public. He mentioned his need to get equipment from where I lives to where he farms.

Ron Telles, representing himself and the Manufactured Housing Communities Association of Washington, noted the problem of 3:00 a.m. waking up for anyone, but if a manager out in the County, and trying to convince people to shut the music down the result often is being looked back in the face and told: "what are you going to do about it if I don't? because there is no law. Having served as a reserve deputy in Island County, the same thing is said back: what are you going to do about it? He hoped the ordinance would be adopted, something long overdue.

Dan Street, San de Fuca, with a 50-tree orchard and big garden, harasses the crows occasionally and wanted to be able to continue doing so.

Donald Atkinson said that from what he read in the paper he assumed if he separated cows and calves and the calves bawl, someone could call and file a complaint about that. He also has farm equipment that breaks down and if needed for the next day, has often worked through the night on mower engines in order to be able to process his crops the following day. He would be unhappy to have his operation shut down because of such a complaint.

Greg Roberts owns 20 acres on North Whidbey and is involved in the firearms industry, manufactures guns, and needs to test fire guns on his range on his property. He needs to know what an "authorized range" is. Although this Sheriff promises to use great discretion if the ordinance is passed, but about the next Sheriff and how will be interpreted in the future.

John Coup, Greenbank, recalled seeing in the paper that the Sheriff is short of officers. If there were 500 calls last year, he could see if the ordinance is adopted that number increasing even to 5,000 next year. When the County is already short of officers right now, he thought this would be a waste of Officer's time.

Brian Montana, Coupeville, agreed than an ordinance was needed, and saw nothing so different from enforcing traffic laws and building regulations. He saw this needed in order to fall back on and some reason of consequence. He did not

believe it would take away the ability of neighbors and residents to work things out, but there needs to be a reason of consequence. Good for everyone in the long run, and serve Island County and its people as a tool to help communicate better also.

Mary Maddox, Camano Island, saw the advertisement in the newspaper about this noise ordinance, but rather than discuss that issue, she wanted to take this opportunity to address the need for an outdoor lighting ordinance. There is excessive lighting next door to where she lives and has been so excessive as to be disruptive to the enjoyment of her home that she has had to sue her neighbors to do something about it. Donna Johnson, Greenbank resident on 5-1/2 acres, stated that her two children were born at the hospital in Coupeville and she did not want this ordinance for them or her grandchildren.

Vi Lund's grandchildren ride motorbikes and she saw no harm in doing that; with mufflers, the bikes should be no bother to anyone and she did not believe this was a good ordinance.

Eva Mae Gabelein, South Whidbey, appreciated Sheriff Hawley and the concerns of his Office about needing a tool to back up efforts; she asked for caution in doing so. Her concerns: they have dogs and a farm; dogs bark for a reason, and on South Whidbey, there is a terrible problem with coyotes, which along with sirens, etc., adds to the coyote chorus and dogs barking, and concern is about potential for someone calling and complaining. They also have cattle and when calves are separated from cows, again quite a chorus can be heard for a few days; no one should be fined for that. Provisions of this ordinance could be hard on farmers and people who have watch dogs.

Richard Hart, N. West Beach Road, spoke against the proposed ordinance as presently written,

suggesting all references to firearms other than bonafide hunting or shooting ranges be deleted in

that it eliminates the rights of property owners with enough room to safely do so from shooting fire arms on their own private property. The proposal as drafted gives an opportunity for a disgruntled neighbor to drive someone off their property with repeated nuisance noise calls that the Sheriff's Department would be obligated to address or enforce. The determination of what is and is not unreasonable and disruptive noise level is left up to potentially disgruntled individuals. Although he agreed that some type of ordinance or guidelines may be needed, this was not it; rather, rather the proposal should go back to the Prosecutor to be re-drafted to be more main stream middle of the road, providing opportunity for noise control without usurping citizens rights.

Tom Coup, Greenbank, thought the ordinance needed to be better-defined before it was of value to anyone.

Christine Porter, Clinton, spoke against the proposed ordinance, believing the proposal should be better defined, and expressed some concern that the proposal could open the door for police harassment. She suggested there should be requirements for quiet after 10:00 p.m. and before 8:00 a.m.

Steve Hutchinson, Coupeville, opposed the proposed ordinance as written, his thought was that the proposal infringed on individual citizen rights, one being the ability to target shoot on private property. As far as farmers and cattle, during weaning calves bawl and that is just one of the things people need to accept living in a rural area. He saw a potential for addressing some of the issues the Sheriff mentioned, but this proposal was poorly written and should be re-done.

Alan Meaux, Oak Harbor, referenced his Letter to the Editor dated April 25, 1998, submitted to the Whidbey News Times, expressing concerns about the proposed ordinance as drafted. Although Sheriff Hawley mentioned that use of chain saws, mowers, etc. would not be affected, the ordinance as drafted mentions internal combustion engine powered chain saws. Mr. Meaux shoots safely on his own property and wants to continue to do so. Section 6 mentions sounds from buildings and he questioned if that included construction remodeling noise and if so, suggested that be changed to be similar to City of Oak Harbor 's section on construction and repair of buildings.

Steve Warren, North Whidbey, commented that many of the issues brought up here, shooting, cattle, dogs, were not of concern to him, but he would hope people would not shoot 20' away from his house. His interest was in an ordinance that would cover sounds from within buildings, within cars, sub-woofers, etc., which have been a big problem.

Melissa Newman, South Whidbey, stated that she and her family trap shoot safely and were concerned this ordinance would take that right away. As kennel owners they should have some right to turn the dogs outside during the day, not let the dogs sit and bark. The ordinance should at require there has to be three neighbors complaining about a problem, not

just one person complaining. She agreed with the idea of a noise ordinance effective during the night, but as written, the current proposal provides no direction or structure.

Georgia Williamson, Camano Island, asked how enforcement would be handled in private community associations. With respect to fire arms, she was concerned by not seeing any definition in the proposal of an "authorized range", who would make that authorization and what it would be based on. In her particular community association, there have been complaints from people ranging from a rooster waking people up too early in the morning to Harleys running up and down the road for the greater part of the day. There is a need to find a middle ground in this ordinance and perhaps this can be viewed as a good start that needs a little more refinement.

Deanna Gray, Clinton, believed there should be an exception for farmers and people who have farm animals. The ordinance should be redrafted to take into consideration those with cattle, horses and farm animals, etc.

Rita Worley, L & M Acres, realized that all the noise could not be stopped. She and her husband have two boys and are trying to raise them correctly and not to run around in gangs, etc. and want them to have their freedom on the 10 acres, ride dirt bikes, target shoot, etc. She did not see this as a problem to the neighbors. She realizes there are people who are not consideration, have loud parties, and perhaps that could be addressed with some type curfew. She termed the proposal as written to be frightening; she did not want to loose freedom.

Reece Causey, Clinton, recalled hearing from Sheriff Hawley about dogs taped mouths and read in the paper about 20 to 40 dogs in one residence, but she thought those cases would be best left to an animal control officer. She remembered that a friend last summer complained about frogs - she found frogs to be very annoying and leaves a question as to whether or not wetlands would have to be infilled in order to eliminate the frog noise.

Rufus Rose, South Whidbey, suggested the need for the proposal to be re-written, and gave some specifics, i.e. Page 1 – useful to understand terms "harmful nuisance"; "physiological and psychological effects of excessive noise". Clearly, there are situations where noise is annoying. and he described some situations he experienced, but also reminded that part of the rural character is: being in such a rural area allows sound to carry; calves when weaned bawl. He has been told that the Sheriff has no problem in quieting down loud parties late at night.

Page 2 , item 1, if the animal is a repeated violator – is the animal's ignorance of this sub-section a reasonable defense; shouldn't it be the owner of the animal that is responsible? Number 3 - frequent and repetitive or continuous, is, he thinks, in the "ears of the beholder", i.e. fog horns, bamboo that rustles against gutters and down spouts, rain on tin roofs, roosters, and neighbors who have peacocks? Number 4 - concerned perhaps his yelling and hooting and whistling at his dog Scruffy could be a problem. Need to reflect on what Sheriff Hawley stated, and see that there is continuity. If this is a suburban or urban county that needs to be reflected in everything being done, including the Comprehensive Plan that maintains Island County is not suburban or urban. To maintain the county as rural there should be a section in the ordinance saying that if there is a problem go talk to your neighbor.

Peter Remington, Clinton, wrote a Letter to the Editor about this subject in the South Whidbey Record, and is concerned about the scope of the proposed ordinance. Although he believed that Sheriff Hawley and his deputies would be very reasonable, he did not like laws that left it up to the cops to decide whether to apply a law or not. He was not so sure that some of the problems could not be solved by other ways, i.e. a justice court system like there used to be in this State. He expressed concern too with having no exemptions for livestock, farming or ranching noises and shooting. Mr. Remington proposed a simple noise ordinance:

> *"All normal noises associated with farming, ranching, flying, business, emergencies and country living are exempt. Unnecessary noise shall not be created between the hours of 11 p.m. and 7 a.m.".*

Sandra Beadrey, North Whidbey, chose to live on her family farm of 20 acres which was here before the Navy. She has no problem with the noise and thought perhaps that real estate agents should inform people this is a rural area and they can expect noises associated with that. She noted too that dogs are there for a purpose and often bark and chase something out of the yard. She can hear jet skis going through Deception Pass on a quiet afternoon when the jets are not flying; there are times she can be talking and not heard because of the jets; living at the entrance to San de Fuca her stereo can be on very quietly in the back yard but across the street can be heard louder because wind generated from the tides blows the sound away from her house to the neighbor's house. She could think of all sorts of concerns about the proposal. In her case she

has old antique farm equipment, loud when running, and they want the ability to use that equipment at any time they please. With the current proposal she is afraid it could lead to not being able to have even wind chimes on porches. There are a certain amount of things to be taken into consideration in a rural area.

Anne Pringle, Freeland, was not opposed to some type of noise ordinance to set some perimeters for very loud noise, i.e. the hours between which jet skis could operate or limits on loud partying with stereos set at maximum power at night, loud audio systems that carry far beyond the property upon which it originates. However, she opposed the proposed ordinance because as written she thought there a great potential for abuse, giving anyone with a grievance against his neighbor a tool for continual harassment. The term unreasonable is very subjective. Practicing of musical instruments is necessary for the development of the skill that eventually produces the music everyone enjoys. Section A(4) "Yelling, shouting, hooting, whistling or singing" is too broad and could very well mean any level of sound at any time of day and may allow simple annoyances to be categorized as unreasonable disturbance. The ordinance attempts to cover too much so broadly that it could impact simple daily living. Not all noise from business and industry is exempted but should be, for example, a rock crusher for surface mining and , boat building are permitted uses during the day and should be exempted. Other specific examples: 9.60.040 - penalties and enforcement - entire section is too harsh for Island County; and item B, who establishes perimeters of the commission of the offense?

She thought surely an ordinance could be written so as to define more strictly the difference between a simple annoyance and an unreasonable disturbance. Radios outdoors entertaining someone working in the garden is not the same as stereos blasting away late at night; practicing musical instruments during the day inside the home is not the same as electronically amplified instruments blasting away at all hours and late hours; dogs barking at a raccoon is not the same as continuous barking of dogs left alone outdoors at night or chained to dog houses. She reminded that rural is not wilderness and there are noises associated with that. Ms. Pringle suggested that there be exemption provided for agriculture and forestry.

Don Jewett, South Whidbey, very surprised to hear it stated that Island County is a suburban county. He did not believe the Board realized that or would not have spent so much time on GMA trying to keep the county rural. With regard to the proposed ordinance, he felt there were enough laws already - public nuisance laws, courts where an aggrieved person can take the other to court; small claims court. He has had occasion to be irritated by noises but has learned to live with it, or to talk to the people creating the noise. He had concern about the affect of the ordinance to protect rights of the people to use fire arms in a responsible and reasonable way.

Sandy Overton, Oak Harbor, a dog owner, was well aware of what noise ordinances can do and how such an ordinance can affect lives of people. As written the proposed ordinance gives too much power to a neighbor with a grievance or low level of tolerance, and she suggested the ordinance be re-written.

Ben Duysings, Oak Harbor, saw this as a freedom and personal responsibility issue, and pointed to the overwhelming opposition and concern over how ambiguously the ordinance was written. Regardless of Sheriff Hawley's intent, he was concerned how the next Sheriff may interpret the law because as written it is open to interpretation by the complainant and left up to a deputy's discretion. There is too much government intrusion already, and he was afraid that the fire arm issue perhaps was spurned by the popularity of taking away fire arms rights.

Louise Harvey, Central Whidbey, commented that the ordinance chipped away at private property rights. The exemption of aircraft or sounds from airports related to flight operations is something she has a problem with. As currently written, the ordinance would allow for most of her neighbors to be arrested – she lives in a business area, near a shooting range and Island Transit.

Willa Fristad's opinion was that the ordinance was too loosely written, and suggested that those who have a problem take it up with their neighbors and not use this as an excuse to not deal with it.

Julie Vehorn, Freeland, reminded the Constitution provides for life, liberty and pursuant of happiness, but the proposed ordinance seemed to infringe on those rights. As citizens of the U.S., people have the right to listen to music, have dogs, and shoot guns when they want.

Craig Robinson, Freeland, who is not a large property said he understood concerns about being able to do as one pleases on their own land. The neighbors in back of him play music so loud it makes his home vibrate; the same with neighbors across the street to where he cannot hear his television or his music. He made reference to a Canadian video called "Sound

can Kill", and noted that sound can drive people to the point of wanting to do things they know are not right. He believed there needed to be some type of ordinance concerning people who live in small communities who do not own acres and acres of property. His concern is about those people who have music playing so loud you can feel it on your skin.

Jerri Downing, Useless Bay Animal Clinic, and raises dogs. She had all her dogs de-barked yet every single time there is a barking dog it comes back as her fault. There will always be people who complain about animals incorrectly, because sound travels. Another concern is for those people who work on boats in the yard – [running the motor]. The ordinance is too loosely written.

Golda Moore, Langley, agreed with the man who spoke about music should not make his whole house shake. She and her family live on 10 acres and their country living is making music. They try not to play too loud so as not to disturb neighbors. Farming, shooting, playing music, etc. is what they like to do because that makes them happy, money, etc. and is their right. True they cannot have so much music it makes others miserable, yet can't take away things that make others happy.

Tom Elder, L & M Acres, agreed that the proposal was too loosely written, and had too many loopholes for abuse.

Steve Hall said to blame it all on the loggers who took all the trees and now the buffer zones are gone. He recalled his sister saying we see more people in one day than the pioneers saw in their whole lifetime. To him suburban means country still, and it takes a certain type person to live on Whidbey Island. He hoped the ordinance would not be adopted as written.

Roy Allen, North Whidbey, selected his property across from the Navy lower game range where there is hunting for pheasants, rabbits, etc. – shooting is music to his ears. The way the ordinance is drafted he fears might put a damper on that and infringe on Second Amendment rights, which he opposes.

Keith Pankau, Clinton, was also opposed to the ordinance as presented, expressing serious concerns, and noted he thought the matter " ripe for constitutional challenge".

Tom Roehl, Greenbank, made the point there is already an existing State law, WAC 173-60-010 enforced by the State Department of Ecology not the Island County Sheriff, and there are also civil remedies people have if the noise is so bad it affects health. As to the stated 500 complaints a year, he suggested the Board inquire about those statistics - 500 people or 3 people making 500 calls a year? The County has no problem informing new home builders about the U. S. Navy presence in Island County noting that is part of the lifestyle here; the same is true of other noises – inform those who have a low tolerance for common ordinary noises that those types of things go on in a rural community and if they move here and live here they must learn to live with it. Island County is not yet a suburban community; 2-1/2 acres per person is not dense. An ordinance talking about sounds within 50' disturbs him; suddenly people have to be afraid of a neighbor calling the Sheriff. If there is an ordinance, he suggested verbatim from the WAC – adopt the WAC which does specify certain decibel levels. As written the ordinance exemption section is poorly crafted. Financial impacts to the County of such an ordinance should be analyzed. If there are 500 complaints now there will be 5000 in the future; issuing tickets and citations allows appeals, which in turn affect the Prosecutor and the Courts. The State Supreme Court ruled in the case of City of Spokane v. Don Fischer [110 Wn.2d 541, 754 P.2d 1241 (1988)] regarding Spokane's dog ordinance, stating that the words "disturb" or "annoy" are unconstitutionally vague terms. Common examples illustrate the point of what was wrong with Spokane's ordinance. The proposed Island County noise ordinance uses exactly the same language over and over about every different noise described and has the same flaws and Spokane's ordinance, and is unconstitutional as written. For the record, Mr. Roehl provided a copy Spokane v. Fisher; WAC 173-60-010, and

his annotated comments on the proposed Island County ordinance.

Bill Stebbins, Clinton, outlined problems he saw with the proposed ordinance:

Section 9.60.030.A is not clear and appears to limit regulation to noises originating on private property and disturbing neighboring owners or renters on private property, but instances involving public space are exempt. Reference to WAC 173-60-050, exemptions, is ambiguous and crippling in that 173-60-060 allows local authorities to define any noise source as a nuisance and regulate it. Criteria of unreasonable disturbance is not quantified and implies that some level of disturbance is reasonable and legal.

Paragraph A.1 provides no exemption for animal noises that are a part of rural character. Noise from traditional farm animals in rural zones can be annoying to someone new, but people should come prepared to adapt.

Paragraph A.3 seems aimed at home repair shops, mechanics and kids of all ages on dirt bikes, but could be enforced against acceptable activities such as mowing lawns, farm machinery, and access/egress with legal licensed vehicle. Exemptions would appear necessary. Nothing precludes the county from requiring installation of the best noise abatement technology consistent with economic feasibility as does WAC 173-60.050.6. Short term exemptions as in 040.2.C in the WAC are also appropriate.

Paragraph A.4 does not seem to allow for normal noises of children crying or at play. Why use 11 p.m. instead of 10 p.m. as the cut off time?

Paragraph A.5 exempts traveling vendors from any noise limitations. And Paragraphs

A.7 & 8 appear to be appropriate for public spaces; however, public spaces seem not to be covered – awkward to apply across private property lines, subject to the Sheriff's ability and willingness to hear.

9.60.030.B.2 should be specific enough to be enforceable against take off and landing operations at other than designated airports and airfields; this is open to interpretation.

9.60.040.B - use of a sound level meter should be required for the types of nuisance noise not universally recognized like the discharge of large bore firearms. Criteria should be quantified as an increment over existing background noise level caused by the disturbance. An absolute level is useless since a noise that is completely inaudible beside a major arterial can be deafening in the deep woods. Suggest a 5 db increment daytime; 2 db between 10 p.m.

and 7 a.m., down to a minimum absolute criteria of 40 db.

WAC 173-60-110 covers state/local jurisdiction and indicates that after State approval, a local regulation will supplant the state code. The proposed set of regulations could be a useful extension of the existing state code but is too simplistic to stand alone. There must be language embracing the basics of the state code and accepting responsibility for enforcement in areas not covered by county regulations. As written, Mr. Stebbins feared this proposal might be used selectively against people of limited means, and obvious they would be completely useless against any party that can afford quality legal representation.

Al Arnold, Lagoon Point, is located two doors away from an individual who flew helicopters. He saw nothing in the proposed ordinance that could do something about that; however, it is now illegal according to the Hearing Examiner. He is concerned about shooting around his property and cited an example: someone within ½ to 1 mile away, on probably four Saturdays and four Sundays a month, ¾ of those days target practice going on; sound travels and there can be shooting for three hours at a time, mid-morning, mid-afternoon, and when friends are over to see peaceful Whidbey Island atmosphere; and it is annoying. He believed an ordinance necessary, should be re-written in some areas, and brought back for consideration.

Robert Murray, Central Whidbey, believed the existing State law covered the major issues contained in the proposed ordinance. He found it ironic that under State law the Sheriff can issue a concealed weapon permit, and under the proposed noise ordinance can arrest that person if the weapon is used for any purpose. Section 9 needs to be re-written and clarified.

Jeanne Hunsinger, representing the Frei Family Tree Farm and extended Frei family, expressed the opinion that the proposed noise control ordinance was too restrictive for Island County, and most certainly for larger tracts of land outside cities and RAIDs [rural areas of intensive development]. As written it appears the ordinance could be used by intolerant people to suppress harmless activities such as children at play or learning instruments. The ruralness of Island County ought to allow at least during day hours productive activities such as home car repair, raising of livestock, or milling of a few lumber boards without fear of complainers, fines and jail time. To prevent misunderstanding it is important that any noise ordinance contain language to draw attention to State and County nuisance protections afforded to farmers and foresters. One possible way to incorporate such information would be add an exclusion under Section 9.60.030.B, to read "Agricultural and Forest Practices as protected by RCW 7.48.300-310 and ICC 16.25 [proposed to be adopted".

Paul Ducken, Paul's Saw & Mower Shop, thought the proposed ordinance too vague, in extreme poor taste, as well as in conflict with everything our forefathers fought and died for, another disgrace to the flag of the U.S. and Constitution. His term for the proposed ordinance was "a transgression" and "police state tactic" for complainers, a piece of junk, which is adopted he will personally call the ACLU and NRA. He wanted only to see one section enacted relating only to that kind of noise Mr. Robinson talked about, that is so loud that it shakes and vibrates his house.

Julian Gladstone, Camano Island, noted the overwhelming response to the proposed ordinance in opposition and the fact that it must be re-defined and re-drafted.

Jerry Brigham, Coupeville, observed as well that almost everyone here today agreed there is a problem for the Sheriff, obviously existing state laws are not comprehensive enough to take care of what is needed and the Sheriff come to the Board for relief. If the case is that the Sheriff needs help, he suggested the Board try to give him some kind of guidance or policy, be it this vaguely written proposal or a fine-tuned version to come back for consideration –0 but something that will assist the Sheriff in what he needs.

Max Melton, North Whidbey, realized the Sheriff needs help with the problem. Page 3 of the proposal sub-section B, he suggested an addition: #4 farm animals located on property zoned for rural residential use.

Jim Maddox, who lives in San de Fuca on 20 acres, in the flight path and noise zone for the Oak Harbor airport, did not agree with a noise ordinance of a type that applies to the City of Everett, for example, when Island County is still country. He has dogs and dogs will bark, but they bark for a reason. He does not want to be restricted with a city law when he has a property in a rural area and the closes neighbor is 300'. Animal control should deal with the dogs. He could see a need for some type restraint in certain residential areas as far as guns, but that should not be restricted over the entire Island.

Lawanna Johnson, Freeland, stated that her husband has a band and have to practice and believed the ordinance might affect that. The band does a lot of charity work and donates time to help people with Hearts & Hammers. The band is very considerate about the time of practice and never play after 10 p.m. She posed the question: "if people move here to get away from the city, why do they want to put city laws in the county?".

Dennis Murphy, Dugualla Bay, believed the proposed ordinance would infringe on his rights.

Don Adkinson stated that as far as the statistics noted by the Sheriff on receipt of e-mail being 8 to 1 for the proposal, he read the article in the paper and the way it was written led him to believe an individual had to either agree or oppose the proposal, so he did not reply.

Keith Pankau spoke on behalf of the fishermen who run boats on the water and on land needing to rinse motors out.

Richard Hart suggested that there are so many laws on the books now that perhaps a little bit of judgment, giving each other some slack and being a little more tolerant of each other might eliminate the need for this type law.

Other comments from audience members asked that advertising be done more broadly and include the Coupeville Examiner; and that a hearing be held in the evening so folks who work can attend. Observation made that none of the local papers, including the Coupeville Examiner had anything in the most recent issue. Another request was that at the next hearing there be a sign up sheet.

SHERIFF'S CLOSING REMARKS

Sheriff Hawley explained that the proposed ordinance was just that, a draft, and as such, brought before the public to hear comments and views and he was appreciative to all those who took the time to come and be heard. He agreed there needed to be more specificity about farm animals and maintaining the rural climate. From what he heard, with the exception of a few who did not want the ordinance at all, the majority of people see a need for some type of regulation and that was what he was asking for. The kind of calls he is talking about are the ones where anyone in the room would be able say "that's wrong". Specifics will be worked out based on public input today.

COMMENTS BY BOARD OF COUNTY COMMISSIONERS

Commissioner Shelton heard several different times about such things as shooting guns, people driving up and down the road with noisy automobiles, etc. One of the things to be really careful of in a noise ordinance is not to try to address through the noise issue other issues, i.e. do people have the right to discharge fire arms on their property if they do it in a safe, legal and fair manner – absolutely, and the noise issue should not be the deciding factor. Do people have the right to drive up and down the road with a Harley Davidson, yes – the County collects the license tabs for those people and certainly they have the right to drive those vehicles. The noise ordinance should not try to fix what some people perceive is a big problem. He had already decided it important to exempt from any noise ordinance the gun issue, as well as speeding cars on roads because other laws address that. As far as agricultural, forest and commercial activities, obviously those need to be exempted from any noise ordinance. Having said all that, however, he has been the recipient of enough phone calls from people who have been abused by their neighbors, like the gentleman from Freeland who spoke about the noise from his neighbors that he can actually feel, to believe those are significant issues. He too lives in Island County because it is a rural county, but he did not think he had the right to subject his neighbors to high volume noises because he lives in a rural community. He did not necessarily believe when a neighbor is being obnoxious that the complaint should have to hire an attorney and go to court to get some relief. Although the constitutionality of this particular ordinance has been called into question, the proposed ordinance was designed after an ordinance that has stood the test of constitutionality. The difference probably is that this ordinance was designed for a city and Island County is not a city. The last thing this Board wants to do is to put an ordinance on the books that would cause people in the county to lose their rural lifestyle. When there are truly obnoxious noises and a citizen calls the Island County Sheriff for relief, one of the things that the deputy in saying there is nothing they can do is to also say that the Board has failed to put into ordinance language a tool that would give them the ability to address this issue. He agreed this ordinance is too broad; however, he remains committed in trying to write an ordinance that would give a deputy the ability to go out and deal with a neighbor like the gentleman from Freeland talked about playing music so loud he could feel it on his skin.

Commissioner Shaughnessy too was not ready to give up on the idea of a noise ordinance. For his District – North Whidbey and Camano Island – he could not say how many complaints he had had in the past as far as noise. What he proposed was to see what could be done about encompassing the comments in another draft ordinance and come back to the public forum again. The last thing he wanted to do was to infringe on property rights of those individuals who have enough property to do what they want. As far as forest and agricultural properties, those folks should be able to take care of business. It appeared to him that that possibly one of the directions to head would be to do some refining as far as the smaller communities, whether PRDs or long plats, areas with higher populations and much more dense than in the rural areas.

Commissioner McDowell made the comment that he was not going to give up on it because he never supported the proposal in the first place. However, having now gone through the he could see that Sheriff Hawley did have some problems that need to be addressed. Certainly he thought the overriding comment today was in opposition, primarily with the proposed ordinance. Many people realize something is needed, especially in the more dense areas, where the situation comes up about playing loud music at night. He understands those needs and will be supportive of that. Examples were used such as 24 to 30 dogs barking and causing neighbors a lot of consternation, but he can see the other side, the single mother with one dog and the dog does exactly what she bought it for, barks when anyone comes up or drives by. That to him was

just as important to protect that person as it is the person who listens to those 24 dogs. He tends to look at most laws and ask two questions first, then a third:

> (1) does this cost the county any more money?; (2) does it take away people's rights?;
>
> (3) is the need so overriding that you need to take into account those first two
>
> yes questions and the new law probably justified?

In some restricted areas, the more dense areas that are more like a city, it is probably justified. He did not think the County through any noise ordinance should infringe on businesses to operate, and he saw guns as a Second Amendment right. He recalled reading about kids who have a band and may have music he would not like today, but did believe they have a right to practice in their garage during the day or early evening hours – where would they go if they couldn't practice in the garage? He can also recognize that would probably impact the neighbors. Those are life issues that have to be dealt with, certainly people have a right to musical type instruments, and perhaps that should be addressed more as to the time of day. Dogs clearly may bark; some dogs are bought for precisely that purpose, and he recognized that in the more dense areas that issue may need to be dealt with.

ACTION ON PROPOSED ORDINANCE

Ordinance #C-36-98 not adopted. Proposal to be re-drafted and re-worked and brought back in a very different form, to be heard at public hearing. The Commissioners agreed that the legal ad for a new proposal and public hearing would be advertised in the Coupeville Examiner, as well as the Whidbey News Times, South Whidbey Record, and Stanwood-Camano News, and committed to holding the public hearing, if at all possible, in the evening. Names and addresses were taken at the end of the hearing from those people who wanted to receive a copy of the new proposed ordinance when available.

There being no further business to come before the Board at this time, the meeting

adjourned at 1:15 p.m. The next Regular Meeting is scheduled for May 11, 1998

at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

_____

Wm. L. McDowell, Chairman

_____

Tom Shaughnessy, Member

_____

Mike Shelton, Member

Attest:

_____

Margaret Rosenkranz, Clerk of the Board