

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

SPECIAL SESSION - MARCH 29, 1999

The Regular Meeting of the Board of Island County Commissioners was canceled for March 22, 1999, and the Board met instead in Special Session, on March 29, 1999, beginning at 9:00 a.m. in Executive Session; at 11:30 a.m. for the monthly Roundtable with Elected Officials following with other meeting items as provided in notice of special session and printed agenda, and at 3:30 p.m. in Executive Session. The meeting was held in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present.

EXECUTIVE SESSION

At 9:00 a.m. Executive Session as allowed under R.C.W. 42.30.110 (1) (i) to discuss litigation with legal counsel representing the County. The Executive Session is expected to last approximately 2 hours, held in the WSU Extension Conference Room, 5th & Main, Coupeville, Wa. No announcement was made on conclusion of the session.

Roundtable Meeting with Island County Elected Officials

Attending:

Commissioners: Mike Shelton, Wm. L. McDowell; Wm. F. Thorn

Elected Officials: Tom Baenen, Greg Banks, Marilee Black, Mike Hawley; Maxine Sauter, Suzanne Sinclair; Peter Strow

Others: Margaret Rosenkranz

Sub-Group Budget Planning

Since the last meeting, Mrs. Rosenkranz considered the lay-out of a proposed budget sub-grouping for beginning consideration/discussion [current expense]. She noted that Public Works does extensive budgeting on their own; and individual funds separate from Current Expense have to come up with a balanced budget. She thought it important at the start to keep things simple and the subgroups formed on the basis of funding source, suggesting initially the following sub-grouping:

1. Law & Justice 3. GSA/Budget/HR/Central Services/Maintenance
2. Assessor/Auditor/Treasurer 4. Planning and Community Development

Commissioner Shelton commented that although there may be some value in grouping Health with Planning and Community Development and Public Works because of the regulatory aspects, funding comes from different sources so the value could be a question. In the criminal justice arena, budget grouping for the Law & Justice departments makes sense; those departments knew it would be impossible to meet all their needs and came together and prioritized. He did not necessarily see for the Assessor, Auditor and Treasurer those being linked together that same way, thought they are all run by elected officials, they all have very different responsibilities, yet in some ways are connected.

Commissioner Thorn observed that sub-grouping assumed a degree of cooperation on everyone's part and noted that an essential piece of the budget work will be in conjunction with 6 year budget forecasting.

Ms. Sinclair believed one of the reasons the Law & Justice subgroup worked so well was because it came

together on the basis of function and goal rather than funding source or how jobs are determined. It would be missing the point in grouping Planning and Community Development to leave out Public Works and Health since they are part of land use and permitting; this is an opportunity for those departments to communicate. Separating out Roads would

make more sense. Her suggestion was to join Planning and Community Development, Public Works and the permitting process, along with a portion of the Health Department involved in issuing permits associated with land use issues.

Commissioner McDowell agreed that probably a small portion of Public Works along with Planning could be grouped [relating to permitting] together, but thought for the most part since the main funding source for Public Health was through grants, was not sure how that would work as a subgroup to include Public Health Pooling.

Commissioner Thorn expressed the importance of having a better understanding of those individual funds along with the current expense fund.

Mr. Baenen stated that every year the Assessor is subject to brand new laws that many times affect the Auditor and Treasurer as well, therefore it is a good reason to get together as a subgroup.

Action & Follow-up:

Start off at least initially with budget subgroups: Law & Justice; Assessor/Auditor/Treasurer; GSA/Budget/Human Resources/Central Services/Maintenance, and the Board meet at a staff session with appointed department heads from the Health Department, Public Works/Community Development, and Planning, to get their thoughts and suggestions on possible budget sub-grouping prior to a decision being made.

Capital Budgets [Office Equipment]/Computer Issues

Mr. Baenen reported that the committee met again and there had been some mention about the capital budget. He thought there was some confusion over "capital budget" versus "office equipment budget", with capital expenditures more related to things like electronic imaging . Electronic imaging is a matter that has been brought to the attention of Central Services, and Cathy Caryl has indicated it is expensive and has not been considered at this point. The cost would be \$200,000 and Mr. Baenen agreed it was beyond doing this year, but suggested it as an item to be considered in a six year budget plan.

Mr. Banks was not aware whether the State now permitted record storage electronically or not, but was well aware that files continue to pile up. His office purged 21 boxes from Record Storage but moved in some 22 boxes. This is an issue that would meld nicely he thought with electronic imaging. One suggestion to consider might be to keep electronic copies here and ship originals to State Archives.

Follow-up:

Elected Officials meet with Cathy Caryl to start pursuing electronic imaging and see what all the needs are. Look at the possibility of not doing it in total but perhaps a first step in 2000, another step in 2001, etc.

Roundtable adjourned 12:05 p.m. Next Roundtable 4-26-99 @ 11:30 a.m.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.) #46846-47227.....\$647,570.80.**

Approve Minutes of Previous Meetings

By unanimous motion, the Board approved minutes from the regular meeting of March 8, 1999.

APPOINTMENT TO NORTH SOUND REGIONAL SUPPORT NETWORK (NSRSN)

The Board on unanimous motion appointed Eileen Rosman, Camano Island, to serve on the NSRSN to fill the position vacated by Judy Van Deen, for a term to June 30, 2000.

Staff Session Schedule – April, 1999

The Board, by unanimous motion, authorized distribution of the April Staff Session schedule, outlining Staff Sessions to be held on April 7 and April 21 beginning at 9:00 a.m.

Special Occasion Liquor License # 090068-Whidbey IS. Waldorf School

The Board having received favorable recommendations from the Health Department and Sheriff's Office, by unanimous motion, authorized a favorable recommendation to the Washington State Liquor Control Board for issuance of Special Occasion Liquor License #090068 by Whidbey Island Waldorf School, Clinton, for special occasion to be held on April 11, 1999.

Hiring Requests & Personnel Actions

On presentation by Dick Toft, including a brief description of proposed action, the Board by unanimous motion approved the following Personnel Action Authorizations:

Dept. PAA # Description/Position Action Eff. Date

Health 026/99 WIC Clerk/Certifier #2424.00 New Position 4/1/99

Treas 030/99 Dep. Treas #2102.00 Replacement 3/29/99

P.Works 031/99 Director #2501.00 Personnel Action 4/1/99

Assessor 023/99 Appr Lev.1, #108.03 Replacement 4/1/99

Assessor 033/99 Appr Trainee #109.02 Replacement 4/1/99

WSU/Ext.034/99 Adm/Prog Asst. #1202.00 Replacement 7/6/99

CORRECTION TO WSU Contract, PAGE 1, TEXACO donation funds

Don Meehan, WSU Extension Agent, at the Board's prior regular meeting, March 15, 1999, presented a Contract between WSU and Island County to provide the legal authority to WSU to provide the funds donated by TEXACO dedicated to the Island County Beach Watchers Program. At that time he confirmed that the Contract had been changed as requested by the Deputy Prosecuting Attorney as a result of the contract review process; on that basis, the Board approved the contract on that date. Subsequent to that time, the Board was advised by Mr. Meehan during the March 17th Staff Session that in fact two typographical errors existed on page 1 of the Contract, and the Board authorized the correction of those errors, with said correction to be noted at the Board meeting March 29th as a matter of record.

Contract #9863-14902, Amendment #1, Community Juvenile Accountability Act (CJAA) - new statement of work & funding

Elizabeth McKay, Juvenile Court Services Director, presented for approval/signature CJAA Contract #9863-14902, Amendment #1, between Island County and the State Department of Social & Health Services, providing a new statement of work and increasing funding from \$12,500 to \$20,725.35. The amendment represents the second 6 months of funding for Aggression Replacement Training, and as noted in her memorandum of March 36th, is offered to 10 juveniles for 3 months. The program is fully funded and Island County contracts with Catholic Community Services and Island Mental Health to offer the program, along with one probation counselor.

By unanimous, the Board approved Contract #9863-14902, Amendment #1, providing a new statement of work and increasing funding from \$12,500 to \$20,725.35.

Contract #91-6001321, Amendment #3 - DSHS/Children's Administration

Ms. McKay presented a second Juvenile Court Services contract for the Board's approval and signature, Contract #91-6001321, Amendment #3, between Island County and DSHS/Children's Administration, which in this case, related to BECCA [the portion of the juvenile statute dealing with truancy], for an increase in funding by \$7,305 for total of \$89,250. She explained that the funding formula was a method which the Juvenile Court Administrators had agreed with as far as dividing up the funding that the State makes available. However, Juvenile Court Administrators consistently have made the State aware that funding is not sufficient. BECCA funding at this time supplies a full time truancy probation aide and a portion of a probation counselor. The probation aide spends time in the Clerk's Office to offset the impact of truancy filings, provides service of summons and copies of paperwork, which helps to offset the impact of trancies, but does not negate the need for full funding. Language as recommended by the Deputy Prosecuting Attorney has been hand-written to read: "The County does not consider this full reimbursement required by state law".

By unanimous motion, the Board approved Contract #91-6001321, Amendment #3 [RM-JUV-97-0011] between Island County and DSHS/Children's Administration, with the following changes:

1. Hand-written addition language, as requested by Deputy Prosecuting Attorney Jamieson, to read "The County does not consider this full reimbursement required by state law."

2. Item D:

- o correct error in the sentence "second" changed to "first"
- o correct dates to accurately reflect the period July 1, 1998 through June 30, 1999
- o correct amount: "shall not exceed \$43,797."

Contract Amendment, DSHS Work Order 6420-3, DASA

Contract Amendment, DSHS Work Order 6420-3, Division of Alcohol & Substance Abuse Prevention, was approved by unanimous motion of the Board, representing an increase of \$25,000 for community alcohol and drug services and chemical dependency prevention [out-station substance abuse counselor].

Contract Amendment #HS-17-97(2) Sharon Robinson, Monitoring

The Board, by unanimous motion, approved Amendment (2) to Contract #HS-17-97(2) between Island County and Sharon Robinson adding \$1500 for monitoring contracts with The Recovery Center and County Mental Health Millage Contracts.

Receive bids for Newspaper of Record contract

Suzanne Sinclair, Island County Auditor, presented bids received in response to Request for Proposals for designation of Official Newspaper for Island County in which to run official legal ads. Three bids were received, which she provided to the Board, yet unopened.

Chairman Shelton opened the bids, with results as reported below:

The South Whidbey Record, Langley

Circulation: 4,690

Rates: \$10.00 per column inch first notice; \$8.40 per column inch each subsequent run

Whidbey News Times, Oak Harbor/Whidbey Newspaper Group, A Division of Sound Publishing

Circulation: in-county 8,325

Rates: \$10.30 per inch first insertion; \$8.65 per inch second and additional insertions

Whidbey Reporter, Coupeville

Circulation: Total 1,595, with 1,488 circulated within Island County

Rates: \$6 per column inch first time and \$4.50 per inch each time published thereafter.

By unanimous motion, the Board scheduled award of bid to occur during regular meeting on Monday, April 5, 1999.

Public Input or Comments

Carolyn Merchant, 1785 S. Driftwood Way (Lane), Coupeville, submitted for the record the following request for correction to the Board Minutes of March 1, 1999:

"**SUBJECT**: Correction to Minutes of BICC Meeting of March 1, 1999

REFERENCE: Resolution #C-22-99 [R-8-99] – Emergency closure of northerly

100 feet of Driftwood Way, Plat of Ledgewood Beach:

In the preamble to the resolution, Larry Kwarsick, Public Works Director, made the following statement:

‘At the present time, only one residence occupied, being rented. The other two houses are normally not used until summer. There is a County-owned beach access which in the past

has provided an area for parking and then walking to the residence.’

The residences referred would be:

Merchant residence at 1785 S. Driftwood Way

Aitken residence at 1810 S. Driftwood Way

Caldwell residence at 1827 S. Driftwood Way

We have contacted the Caldwell’s and Ms. Aitken and they provided us with the following information. The Caldwell’s residence is their only residence and it is occupied full time. It is not being rented now nor was it rented in the past by the Caldwell’s. The Aitken residence is used during the entire year and has also has not been rented.

The Merchant residence is used the year round and has not been rented by the Merchants since they have owned it (1994). It is used weekends and often during the week.

REQUESTED ACTION: We would like this information to be made an item of record and added as an addendum to the subject minutes or a note added to the subject minutes to reference this correction."

Mrs. Merchant noted that the implication of Mr. Kwarsick’s remark was that the decisions of the Board of County Commissioners and the services provided by the County should take into consideration whether the people living at a particular address are renters, or own the property, and how often or when the people are present at the property.

Chairman Shelton indicated that the reference he thought had been not so much about rental or ownership, but to indicate that the road did not serve huge numbers of people. It was said more to indicate to the Board how many people and families were going to be inconvenienced by this road closure, not to discriminate between owners or renters. He confirmed on behalf of the Board that the Public Works Department did not get involved in those kinds of discriminations.

Answering Commissioner McDowell with regard to whether or not the Merchants were using their residence more than when the first major failure occurred, Ms. Merchant stated that the residence definitely was not a summer home; for insurance purposes it is their second home. Mr. and Mrs. Merchant, their son and daughter and grandchildren use the residence all the time during summer and there the rest of the time every week as much as they can.

HEARING HELD: Ordinance #C-15-99 (R-6-99) RESTRICT PARKING ALONG PORTION OF COLUMBIA BEACH DRIVE

A Public Hearing was held at 2:15 p.m. as scheduled and advertised, to consider Ordinance #C-15-99 (R-6-99) to restrict parking along a portion of Columbia Beach Drive from 525 southerly to Berg Road.

Lew Legat, County Engineer, made the presentation and using a map posted on the wall outlined the location of the proposed parking restriction. In 1990 a Resolution was adopted by the Board limiting parking to the first 180 feet south of SR 525. This past winter on Columbia Beach Drive the County placed a retaining wall and filled in part of a ditch making the shoulder wider. Intent in widening the shoulder was not to encourage parking. A small shallow ditch which was excavated and a drain line installed, filled over with rock as a part of construction of the retaining wall. There have been problems in the past with people trying to park in that area which is limited and only has 18' of pavement and if people park on the road they would be partially in the travel lane. The Engineer's recommendation was to limit parking alongside the road the full length from SR 525 to Berg Road.

Phil Hebner, South Hastings Road, indicated he used Columbia Beach Drive, was interested in the County providing enforcement since he knew people would still stop there and block the intersection.

Chairman Shelton agreed that the road was not wide enough to allow parking. He stated that the Public Works Division funds a road deputy to enforce traffic issues in Island County and was sure some kind of enforcement could be focused around this ordinance.

By unanimous motion, the Board adopted Ordinance #C-15-99 [R-6-99] regulating parking on a portion of Columbia Beach Drive.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

AN ORDINANCE OF ISLAND COUNTY, WASHINGTON,]
REGULATING PARKING ON A PORTION OF COLUMBIA] Ordinance No. C-15-99
BEACH DRIVE AS SHOWN ON ATTACHED EXHIBIT "a",] R-6-99
AMENDING ISLAND COUNTY CODE, TITLE X, CHAPTER 10.02]

WHEREAS, under the authority of RCW 46.61.570(2), the Board of County Commissioners may adopt, by ordinance, restrictions on parking within County road right of way; and

WHEREAS, RCW 46.61.575 (4) similarly authorizes the Board of County Commissioners to place traffic control devices, prohibiting, limiting or restricting the stopping, standing, or parking of vehicles on any roadway where it is determined that such stopping, standing, or parking is dangerous to those using the roadway, or where same would unduly interfere with the free movement of traffic thereon; and

WHEREAS, no person shall stop, stand, or park any vehicles in violation of the restrictions indicated by such traffic control devices, and

WHEREAS, the pavement along Columbia Beach Drive in the vicinity described in the attached Exhibit "A" is two lanes with no shoulders, thus parking adjacent to the pavement edge places vehicles in a protruding position to the travel lanes, and on the west side of the road causes damage to a subsurface drainage system lying directly adjacent the pavement edge; and

WHEREAS, regulation of traffic control upon County right of way is a function of police power properly exercisable by the Board of County Commissioners; NOW, THEREFORE,

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

The parking shall be prohibited on the roadway and on both sides of the road listed on the attached Exhibit "A", and the Island County Code is amended to read as shown on said Exhibit. Underlined material is added and interlineated material is deleted.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FIFTEEN DAYS FROM AND AFTER ITS PASSAGE INTO LAW.

REVIEWED this 22nd day of Feb., 1999, and set for public hearing on the 22nd day of March, 1999, at 2:15 p.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, member

ATTEST: Margaret Rosenkranz

Clerk of the Board

BICC 99-80

PASSED INTO LAW this 29th day of March, 1999 following public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, member

ATTEST: By Ellen K. Meyer, Deputy

Margaret Rosenkranz

Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney

EXHIBIT "A"

10.02.010 Road Restrictions

P. Road restriction--Columbia Beach Drive, Road Log #03890, Orr's Addition to Columbia Beach. Parking shall be prohibited on the roadway and beside the roadway on both sides from its intersection with SR 525 southerly ~~for a distance of one-hundred-eighty (180) feet~~ to Berg Road, MP 0.00 to MP 0.170.

RESOLUTIONS #C-29-99 THROUGH C-34-99 [R-12-99 – R-17-99] APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS

As recommended by the County Engineer, the Board by a motion adopted unanimously, approved the following specifications and authorizing scheduling calls for bids:

Resolution #C-29-99 (R-17-99) Approving Specifications and Authorizing Call for Bids for Liquid Asphalt Products (CRS-2, CMS-2, CSS-1 and scheduling bid opening at 1:15 p.m. on 4/22/99 in Conference Room 3

Resolution #C-30-99 (R-16-99) Approving Specifications and Authorizing Call for Bids for Asphalt Concrete Materials (Modified G, Class B, ATB & Tack Coat Oil, with bid opening scheduled for 1:00 p.m. on 4/22/99 in Conference Room 3.

Resolution #C-31-99 (R-15-99) Approving Specifications and Authorizing Call for Bids for (1) New 1999 Hydro-Seeder, bid opening scheduled for 11:45 a.m. on 4/22/99 in Conference Room 3.

Resolution #C-32-99 (R-14-99) Approving Specifications and Authorizing Call for Bids for (1) New 1999 Straw Blower; bid opening scheduled for 11:30 a.m. on 4/22/99 in Conference Room 3.

Resolution #C-33-99 (R-13-99) Approving Specifications and Authorizing Call for Bids for (1) New 1999 Side Discharge Conveyor with bid opening scheduled for 11:15 a.m. on 4/22/99 in Conference Room 3.

Resolution #C-34-99 (R-12-99) Approving Specifications and Authorizing Call for Bids for (4) New 1999 One-Way Snow Plows; bid opening set for 11:00 a.m. on 4/22/99 in Conference Room 3.

[Note: copies of the resolutions can be obtained from the Office of the County Engineer or Clerk of the Board]

Bid Award – Culvert Supplies for Roads Division

The Board, by unanimous motion, as recommended by the County Engineer, awarded bid for Culvert Supplies for the County Road Division for the period 3/29/1999 to 3/29/2000, to Hardware Sales, Inc., Bellingham, Wa., on the basis of low bid, in the amount of \$21,327.15.

Adopt-A-Road Litter Contract – Coupeville Examiner/Whidbey Reporter; Madrona Way from Good Beach to Coupeville Limits

The Board approved, by unanimous motion, an Adopt-A-Road Litter Contract, with The Coupeville Examiner, Inc./Whidbey Reporter, for picking up litter within the Madrona Way from Good Beach to Coupeville Town Limits.

Resolution #C-35-99 (R-18-99) initiating PWP 1-99, Terry's Corner Beautification Project

Resolution #C-35 -99 (R-18-99) initiating Public Works Project PWP-1-99, Terry's Corner Beautification Project, for the total project/budget appropriation in the amount of \$30,500, was approved by unanimous motion of the Board as presented. The contractor per bid award is Jenkins, Inc.

[Note: Copy of C-35-99 can be obtained from the Office of the County Engineer or Clerk of the Board]

Abutters Agreement – Windmill Heights Community Club TO assist street abutter in improving drainage on Windmill Drive

By unanimous motion, the Board approved Abutters Agreement with the Windmill Heights Community Club, Inc. as presented by Roy Allen, Assistant Public Works Director/Stormwater Manager, to assist street abutter in improving drainage on Windmill Drive (a county road) in the vicinity of Lot 1, Block 1, Windmill Heights. It was noted by Mr. Allen that this is for the purpose of correcting an existing drainage problem to be handled by County forces and he confirmed that funds were available in the budget under drainage.

HEARING HELD: ORDINANCE #C-26-99 (R-10-99) ClosE

portion of Wilkinson RD.

A Public Hearing was held at 2:30 p.m. as advertised and scheduled, to consider Ordinance #C-26-99 (R-10-99) closing a portion of Wilkinson Road from approximately Norton Lane northerly to Bob Galbreath Road intersection. Approximately 35+ citizens were in the audience at the time of hearing.

Low Legat referred to the map posted on the wall to orient everyone with respect to the portions of Wilkinson Road under discussion today for closure. He located the area where the road was closed to motor vehicle traffic due to a slide in the area about two years' ago. For the record, he referenced the Engineer's Report, Closure of Portion of Wilkinson Road, Ordinance R-10-99, dated March 4, 1999 [complete copy on file]. The proposal today is to close to motor vehicles on a permanent basis the Road between Mile Post 0.38 and Mile Post 0.78 in Sec. 13, Twp.29N, Range 3E, W.M. [shown on the map] located just north of Norton Lane to the northern limits of Wilkinson Road. The road would be open to non-motorized traffic. At the two corners gates would be installed along with illumination. Wilkinson Road is 0.78 mile in length. The proposal is to close 4/10 of a mile. Funding amount currently approved by FEMA for repair of the slide that occurred two years' is inadequate. Inasmuch as Bob Galbreath Road was constructed to bypass this area years ago now is an opportune time to go ahead with the road closure as proposed.

The Engineer's recommendation to close Wilkinson Road was accompanied by the following considerations:

1. Knowing that the road closure would deny access to private property once the gates/barriers are installed, the Road Department is authorized to issue keys to those property owners requiring access beyond the gates/barriers to their property.
2. The Road Department is authorized to relocate the gates/barriers as required to accommodate access to private property by motor vehicles.
3. Signage along Wilkinson Road will be revised to include "Dead End" "Road Closed Ahead" "Non-Motorized vehicles Only" and others as needed.
4. The gates/barriers will provide for the passage of non-motorized traffic by the installation of bollards or similar devices.
5. A turnaround will be construction at MP 0.38, which is immediately north of the intersection with Norton Lane, a private road.
6. Illumination will be installed at the location of gates/barriers for safety and security.

7. Guardrail and/or fencing will protect the existing slide area at MP 0.51 and the surface easterly of the guardrail and/or fence will be sloped or graded to deter trespass. In the event that additional slides occur at this location rendering the passage of the public unsafe, this section of the roadway may be permanently closed without consideration given for continued use or travel.

Chairman Shelton indicated that he received a call from a citizen who pointed out that the County was proposing to close the road at Norton Lane yet there were a couple of residences to the north of Norton Lane which in her mind created a problem.

Mr. Legat advised that the properties mentioned are owned by Steve Raymond, including a life estate on some of the property where there are some residences. Proposed is to initially continue the barricades at this location until there is no longer a residence on the property, then move the gate back and give the property owners a key to get through the gate. The County wants to keep the closure where indicated initially [shown on the map].

PUBLIC COMMENTS

Russ Ramsey, 5680 S. Wilkinson Road, walks the road, nicknamed "suicide lane", six or seven times a week, and hoped the road would stay closed as it has the last two years.

Phil Hebner, 6008 S. Hastings Road, believed that although addressed somewhat where there is a farm on the right hand side, he noted the farm on the left hand side which the people only use a few times during the summer, and noted that it appeared as though the County would be placing the turnaround on their property and was concerned about access.

Mr. Legat used the map to show the turnaround area Mr. Hebner referred to located just immediately north of Norton Drive, and confirmed those folks would have a key so they could drive through the gate and get to their property.

Steve Raymond, Clinton, [written statement provided – copy on file]. He and his family own property on the portion of South Wilkinson Road proposed for closure, the property in the family since 1909 and owning approximately 900 feet on each side of the road including the areas talked about here where the life estate exists and the farm Mr. Hebner mentioned. He was among the Wilkinson Road residents and property owners who signed a petition asking the County to keep the road closed permanently to vehicles, and fully agrees with the County Engineer's recommendation that the road remain closed and strongly supports the Ordinance as written. Some of the reasons he cited that South Wilkinson Road should be kept closed:

The road is a narrow, winding, dangerous substandard road and Bob Galbreath Road provides a safer higher speed, higher capacity arterial-grade alternative route. The County built Galbreath Road expressly because of the limitations of Wilkinson Road. During the 27 months South Wilkinson Road has been closed, traffic has used Bob Galbreath Road as an alternative without any interruption or inconvenience to either public or private transportation or commerce, and without restricting access to any property or residence. If one observes the posted speed limit of 35 mph it actually takes less time to drive the 1.4 mile length of Bob Galbreath Road than it formerly took to drive the $\frac{3}{4}$ mile length of South Wilkinson Road where the speed limit was 20 or 25 mph. It is clear the public has not been and will not be inconvenienced by permanent closure of Wilkinson Road.

The County Engineer estimated it would cost at least \$450,000 to fix the slide on Wilkinson Road, which remains active, and bring the road up to minimal standards. This does not include the cost of condemnation and acquisition of additional right-of-way, replacement of two domestic water systems that would be destroyed by the construction or vacation of a pollution control easement surrounding one of the water systems. Once all these additional costs are taken into consideration along with the expense of mitigating damage to a natural wetland, the total cost could very easily approach or exceed seven figures.

His family is in the late stages of negotiating with the Whidbey Camano Land Trust to place 28 acres in a conservation easement that would prohibit future development or logging and require the land to be managed in perpetuity as a nature preserve, and believe this will be an important amenity for the citizens

of Island County which have plenty of roads but not many nature preserves. Reopening South Wilkinson Road to motor vehicle traffic would be incompatible with this type of land use and could jeopardize establishment of such a preserve.

Favor maintaining the County right-of-way along South Wilkinson Road for use as a bicycle and pedestrian trail. It has been widely used as such since the road was closed and keeping it open for that purpose would provide another important amenity for Island County citizens, which would not be possible if the road is reopened to motor vehicle traffic.

Funds that otherwise would be wasted trying to fix South Wilkinson Road could be diverted to other County projects of greater urgency and more obvious public benefit. He would rather have his tax dollars spent for more important things than repairing South Wilkinson Road.

South Wilkinson Road is a narrow, winding, dangerous, substandard road and even if the county spent all the money and went to all the effort necessary to fix the slide, what it would end up with would still be a narrow, winding, dangerous, substandard road.

Sue Ellen White-Hansen, Langley, submitted a letter from other residents who could not attend the hearing, Ginger Renee White and Charles H. McIntyre, 5997 Wilkinson Road, asking that the closed portion of Wilkinson Road remain permanent. On her own behalf, Ms. White-Hansen supported adoption of the Ordinance as presented to close the road permanently and making it accessible to people for recreational purposes. She stated that she had reviewed all the documents and thought staff had done a thorough and careful analysis of the costs and benefits. She explained that the reason Wilkinson Road is called "suicide lane " was because of all the accidents that had occurred along that road. She pointed out that the road was still eroding, and gotten worse as time has gone on. She would like to work with the Engineer's office on where the turnaround will be, signage, garbage and other issues.

Chairman Shelton lives off Wilkinson Road further north and was well aware of the road. He thought it important to note that in his mind the major reason the County was choosing to close Wilkinson Road was not so much just the slide, but the remainder of the road. Even if the slide area were fixed the road would still be a very substandard dangerous road.

By unanimous motion, the Board adopted Ordinance #C-26-99 [R-10-99] in the matter of closure of a portion of Wilkinson Road to vehicular traffic.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF CLOSURE OF A PORTION)

OF WILKINSON ROAD LOCATED IN) ORDINANCE NO. C-26-99

SECTION 13-T29N-R3E) R-10-99

WHEREAS, RCW 47.48 authorizes the Board of County Commissioners to close any County road to vehicular traffic whenever the condition of such road is dangerous to the traveling public; and

WHEREAS, a slide occurred, caused by a snow and rainstorm which began on December 26, 1996, undermining Wilkinson Road; and

WHEREAS, repair of the roadway would be costly and the property owners abutting this road have requested the roadway be permanently closed to through vehicular traffic; and

WHEREAS, the Board of County Commissioners wishes to retain the existing road right of way for bicycles, foot traffic and other non-vehicular traffic; and

WHEREAS, an alternate route is available for local and other commuter traffic to access other county through roads; NOW, THEREFORE,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington that a portion of Wilkinson Road be closed to vehicular traffic as designated on attached Exhibit "A", and that Island County Code, Title X, is hereby revised by adding new subsection 10.02.020.H as shown on Exhibit "A."

THIS ORDINANCE shall be in full force and effect five days from and after its passage into law.

REVIEWED this 15th day of March, 1999, and set for public hearing on the 29th day of March, 1999 at 2:30 p.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: Margaret Rosenkranz,

Clerk of the Board

PASSED INTO LAW this 29th day of March, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: Ellen K. Meyer, Deputy

Margaret Rosenkranz, Clerk of the Board

APPROVED AS TO FORM:

DAVID L. JAMIESON, JR.

Island County Code Reviser

EXHIBIT "A"

Chapter 10.02

Road Closures and Restrictions

10.02.020 Road Closures

H. Wilkinson Road, Road Log #12850

Wilkinson Road is closed to all traffic between Mile Post 0.38 and Mile Post 0.78 in Section 13, Township 29 North, Range 3 East,

W. M.

**HEARING HELD: Ordinance #C-27-99 (R-9-99) – 10 ton load restriction Seaward Way and Driftwood Way-
plat of Ledgewood Beach**

a second public hearing which had been scheduled for 2:30 p.m., as advertised and scheduled, was held immediately on completion of the above hearing, in this case, to consider Ordinance #C-27-99 (R-9-99) setting a 10 ton load restriction on Seaward Way (from Seaview Ave. to Driftwood Way) and Driftwood Way for the entire length in the Plat of Ledgewood Beach, Central Whidbey Island. At the time of hearing, there were some 30+ people in the audience interested in the matter.

By use of a map posted on the wall, Roy Allen provided some background information, and outlined the location. Although there a 10 ton load limit in this area, the restriction was not officially backed up by an adopted ordinance. There are several slide areas that have been addressed: the first was from Tract A which caused the northern portion of Driftwood Way fronting lots 1 through 3 to sink. The area sits in a slip plane lubricated by two lenses of groundwater, one about 12-14 feet deep where it breaks out in Tract A, and the other is much deeper. A report from Golder & Associates suggested that one way to stabilize it would be to put in horizontal drains to drain the area and dry it up, which would necessitate placement of drains on private property; to restrict future building would require the County buying those properties. At the time, considering the cost the County decided not to do so.

Chairman Shelton referred to a correction earlier this morning the public input time when Mrs.

Merchant requested minutes be corrected from March 1, 1999 where Larry Kwarsick mentioned the number of properties served, wanting the record corrected to show there is more of a permanent nature to those lots on the extreme end than what was previously stated:

"The residences referred would be:

Merchant residence at 1785 S. Driftwood Way

Aitken residence at 1810 S. Driftwood Way

Caldwell residence at 1827 S. Driftwood Way

We have contacted the Caldwell's and Ms. Aitken and they provided us with the following information. The Caldwell's residence is their only residence and it is occupied full time. It is not being rented now nor was it rented in the past by the Caldwell's. The Aitken residence is used during the entire year and has also has not been rented. The Merchant residence is used the year round and has not been rented by the Merchants since they have owned it (1994). It is used weekends and often during the week."

Continuing his report, Mr. Allen noted there had been some sliding along Seaward Way and bordering the Touche property. Plans and Specs were prepared for a project in this area but determined that the other section should be repaired first. One of the problems of trying to fix the surficial sliding is trying to intercept groundwater along Fircrest; plans and specifications were prepared to do that but with the FEMA scope of work and this not being FEMA funded, was put on a back burner at the time, until FEMA funded projects were completed. A geological study was done fronting the community area which recommended some horizontal drains; that has not been addressed due to lack of funds and until the problem has been addressed further uphill. To try to keep road from failing, the Engineering Department thought it prudent to place a weight limit to keep the road in reasonable passage.

PUBLIC COMMENTS

Roger Cowell, 1852 S. Fircrest, representing the property owners in Ledgewood Beach, did not disagree with the County's attempt to save what is left of the two roads. Their concern was what they do now. Load restrictions will affect some 30 homes who need public utility vehicles, propane vehicles, garbage trucks, etc. The focus in the community is to request action from the Board to restore and repair the roads so that the roads are safe, which means

that the County needs to fix the water problem. He understood there had been some 5 or 6 studies done, including drillings and engineering reports that suggest the remedy for repairing the two roads, and the property owners would like to see the money to fix the roads. The major slide occurred at the time of the storm that Mr. Allen mentioned on Seaward [just below the A-frame cabin] and should qualify for FEMA funding. The other two slides he agreed had occurred prior to

that time. He was concerned why the County had to wait to do this project until FEMA projects were completed.

Tom Core, 1994 S. Driftwood, feel another attempt to restrict residents. When is the dangerous condition going to be fixed – fix the problem rather than inadequate fixes. Residents need to be able to have the services of construction equipment, propane, garbage trucks, etc. It is important to him to have access in and out. He ordered a CAT to get some work done and a load of top soil, and was concerned about having to get permits; he saw no point in such restrictions.

Howard Merchant, 1785 S. Driftwood Way, [copy of full written statement on file] referenced the Statement of Intent of Ordinance #C-27-99: "The maximum authorized vehicular weight on the roads listed in Exhibit 'A' shall be as indicated, and the Island County Code is amended to read as shown on said Exhibit. Underlined material is added and interlineated material is deleted". Exhibit "A" 10.02.010, Road Restrictions, both paragraphs (AA. for Seaward Way and BB for Driftwood Way) state only that the load restrictions are both 10 tons, with no qualifiers. He requested the following action:

A. The roads identified to be maintained to normal Island County standards without restriction (except as covered by Sections 12.20.010, Authority to Close or Restrict, and 12.20.020, Load Restrictions, which are the A. Winter Load Restrictions; and B. Emergency load restrictions). OR

A. The Load Restrictions in Exhibit "A" be amended to include a statement such as "ten (10) tons, EXCEPT for local pickups and deliveries, including but not limited to refuse, fuel, furniture, construction materials, etc. School buses, public transportation benefit area buses and/or other public transportation buses are exempt from this weight restriction, but are restricted to a thirty-five (35) mile-per-hour speed limit.". Note that these quotes are taken from Item H of Chapter 10.02 Road Closures and Restrictions of the Island County Code.

As background and support for the request, he provided the following information:

"A flat restriction of 10 tons on Seaview Ave. and Driftwood Way would not allow some emergency vehicles such as fire trucks access. It is my understanding that a pump truck weights approximately 19 tons and a water tender approximately 21 tons (reference Chief Joe Biller, Fire District 5).

It would not allow use by septic tank pump trucks. An empty septic tank pump

truck weighs approximately 10 tons and pumping a typical 1000 gallon tank would add approximately 4 tons for a total of 14 tons (reference Ron Brown, Brown Bear Septic Pumping).

A cement truck with a full load (10.5 yards) weighs approximately 35 tons. The minimum recommended load (to allow mixing action) is 4 yards and at this load the truck weighs approximately 22 tons (reference Concrete Northwest, Oak Harbor).

It is also my understanding that a garbage pickup truck weighs over 10 tons empty and therefore could not operate with this restriction (reference Mr. Caldwell who contacted Island Disposal)."

Mr. Merchant suggested that if everything over 10 tons was illegal, it seemed a little too restrictive for folks to have to go in for a permit for everything, including routine deliveries such as furniture, etc.

Joe Biller, Fire Chief, Fire District #5, indicated his interest in what was going on in the area, focused on concern about emergency vehicles and response in this zone. If there are restrictions that apply on an on-going time frame, the District wants to be advised of that from the point of fire response. He verified that Mr. Merchant was accurate with his numbers.

Nancy Early, 1874 Driftwood Way, showed on the map where she lives in relation to the slide that occurred on Seaward Way. The road is very narrow and there is no barricade in the narrow area to keep vehicles from rolling off the hill into their property. She was not interested in this being a lesser quality road and really believed the County should fix the road.

Mr. Legat confirmed that with respect to the 10 ton load limit, the Engineering Department has the authority to issue exemptions for such things as garbage trucks, etc., and are able to control the type of traffic using the road, such as reducing the loads; again the County Engineer has authority to issue variances to weight limits. A number of studies have been conducted in the area, looking at various ways to solve the problem. Last Fall during work on the annual construction budget, the Engineer brought to

the Board a whole menu of projects to be worked on; several projects that Mr. Allen mentioned earlier in the presentation were in that sequence. Last year, a backlog of FEMA projects consumed much of the budget. At this time, the Department is going through the process again to review projects for the next six years.

This project was not a FEMA qualified project. Mr. Legat accompanied FEMA officials on site to review the various slides; FEMA was quite stringent on what they saw as pre-existing conditions and after viewing the old scarps in the face and the leaning trees and barricades and looked at the whole area along the front of the properties in this vicinity and the old geological slump that fell down, FEMA viewed that as something that occurred a long time ago and not eligible for FEMA funds. From the Engineer's perspective, Mr. Legat explained that the value in placing a 10 ton load limit on the road, even with exceptions authorized, was that the road would not be open to all tonnage, and provided an opportunity to limit the amount. The road is a 25 mile an hour road now.

Additionally, Mr., Allen pointed out the main concern was that the total access not be destroyed until the County is able to repair it with a retaining wall along Seaward Way. With the County receiving 75% grant funds from FEMA, those projects were given a higher priority because that money would be lost if not used on the approved FEMA projects, and the County wanted to take advantage of that window of opportunity to get those projects under contract.

Chairman Shelton stated that a fair amount of money had been expended to have Golder & Associates prepare plans

for this area. He thought the proposal for a french drain up above to stop the flow of water on the upper street made a fair amount of sense [Fircrest]. However, from his perspective, the actual slide area going north he would have concern about the slump area if a drain were to be installed because of the potential with a slump the drain could start capturing water on the hillside with no place to go. A drain that is no longer functioning can be a far worse than having no drain at all [one of the proposals was to put drains in the slide area, Tract A].

Roger Cowell observed that the major problem was above the hard pan and the way he read the report, showed only 8 to 12 feet, and wanting to take the french drain down to that point and capture all of that water, which he thought still needed to be done. Mr. Allen confirmed that was still the plan.

Carolyn Smith, 1816 Ledgewood Beach, questioned who would be stopped by such a load restriction, and suggested no one wanted to go down the road unless they had to.

Chairman Shelton explained that the County wants to try to preserve the viability of the road, and one way to do so was through load limits. Mr. Allen noted that the project had been included on this year's program but had to be cut, but was hopeful it would be on next year's program.

Commissioner Thorn moved approval of Ordinance #C-27-99 [R-9-99] in the matter of setting load restrictions on Seaward Way and Driftwood Way as shown on attached Exhibit "A", with amendments to Exhibit A, 10.02.010 Road Restrictions: Paragraphs AA and BB to include the words "except as permitted by the County Engineer". Motion, seconded by Commissioner McDowell, carried unanimously.

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

IN THE MATTER OF SETTING LOAD)

RESTRICTIONS ON SEAWARD WAY AND)

DRIFTWOOD WAY AS SHOWN ON ATTACHED) ORDINANCE NO. C-27-99

EXHIBIT "A", AMENDING ISLAND COUNTY) R-9-99

CODE, TITLE X, CHAPTER 10.02)

WHEREAS, under the authority of RCW 46.44.080, the Board of County Commissioners may adopt, by ordinance, weight restrictions on public roads within their jurisdiction, whenever said road will be damaged unless the permitted weight of motor trucks or other vehicles is reduced; and

WHEREAS, portions of Seaward Way and Driftwood Way are built on active slide areas; and

WHEREAS, a portion of Driftwood Way has vertically dropped again; and

WHEREAS, it is in the public's interest to preserve/prolong the integrity of the roadway surface and stability of the road base, and therefore maintain a safe roadway; and

WHEREAS, regulation of weight restrictions upon County rights of way is a function of police power properly exercisable by the Board of County Commissioners; **NOW, THEREFORE**,

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

The maximum authorized vehicular weight on the roads listed in Exhibit "A" shall be as indicated, and the Island County Code is amended to read as shown on said Exhibit. Underlined material is added and interlineated material is deleted.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FIFTEEN DAYS FROM AND AFTER ITS PASSAGE INTO LAW.

REVIEWED this 15th day of March, 1999, and set for public hearing on the 29th day of March, 1999, at 2:30 p.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

Attest: Margaret Rosenkranz

Clerk of the Board

BICC 99-154

ADOPTED this 29th day of March, 1999, after public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

Attest: Ellen K. Meyer, Deputy

For: Margaret Rosenkranz

Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney

EXHIBIT "A"

10.02.010 Road Restrictions

AA. Load restriction - Seaward Way, Road Log #38410, in the plat of Ledgewood Beach Division No. 1, from Seaview Avenue to Driftwood Way, Section 30, Township 31 North, Range 2 East, W.M., ten (10) tons, MP 0.05 to MP 0.25, except as permitted by the County Engineer.

BB. Load restriction - Driftwood Way, Road Log #38410, in the plat of Ledgewood Beach Division Nos. 1 and 2 and Bon Air Division No. 2, in its entirety, Sections 30 and 31, Township 31 North, Range 2 East, W.M., ten (10) tons, MP 0.25 to MP 0.40 and MP 0.00 to MP 0.40, except as permitted by the County Engineer.

Annual Certification for 1998 - County Road Administration Board

As presented by the County Engineer, the Board approved and signed the Annual Certification for 1998 to the Washington State County Road Administration Board under WAC 136-04, showing the County's actual Day Labor expenditure as reported in the 1998 Construction Report to be \$85,430.00.

Contract/ PERFORMANCE BOND/Purchase Order – P & L General Contractors; Bayview Road Shop Expansion

By unanimous motion, the Board approved and signed a Contract with P & L General Contractors and accepted their Performance Bond as submitted, and approved Purchase Order in the amount of \$35,458.91, including tax, for the Bayview Road Shop Expansion (Small Works Roster Process used).

Cooperative Solid Waste Management Agreement – NAS Whidbey

On presentation and review by Dave Bonvouloir, Solid Waste Manager, the Board by unanimous motion approved and signed Cooperative Solid Waste Management Agreement between Island County & NAS Whidbey, for a period of five years to December 31, 2003.

Purchase Order – Removal of asbestos in 4 homes owned by County

The Board, by unanimous motion, authorized Purchase Order 02754 for the removal of asbestos in 4 homes owned by County associated with the Coupeville Courthouse Expansion Project, performed by Environmental Abatement Services, Burlington, at the total cost of \$9,795.60.

Deed from Town of Coupeville for portions of FIFTH & Center Street

As recommended by the County Engineer, the Board by unanimous motion, accepted a Statutory Warranty Deed from the Town of Coupeville for portions of 5th Street and Center Street and authorized \$89,250.00 in payment to the Town of Coupeville, representing 50% of the assessed value of the street.

Temporary Utility Easements – PSE, GTE and TCI

By unanimous motion, the Board approved Temporary Utility Easements with Puget Sound Energy, General Telephone & Electronics, and Telecommunications, Inc., located in the 5th Street and Center Street areas, Coupeville, for the property the County acquired from the Town.

Architectural & Engineering Services Contract-R.W. Beck, Inc.

A Proposed Architectural & Engineering Services Contract with R.W. Beck, Inc. to provide Infrastructure Planning for Clinton and Freeland Sub-areas Plans was held for consideration until the Board's regular meeting on April 5th.

Stormwater Mitigation Agreements – B & H Construction of Washington, Lot 14, Block 5, Holmes Harbor #8

and Koetje Construction Inc., Lot 10, Block 3, Holmes Harbor #6

Lew Legat presented Stormwater Mitigation Agreements with B & H Construction of Washington, Lot 14, Block 5, Holmes Harbor #8 and Koetje Construction Inc., Lot 10, Block 3, Holmes Harbor #6. ICC 17.03 contains requirements for the Holmes Harbor area in which as development occurs to arrange for mitigation development stormwater mitigation impacts. In this case the developers have signed Stormwater Mitigation Agreements agreeing to pay for their portion of the plan, as well as agreeing not to oppose future fee structure.

Chairman Shelton was aware that the Public Works Director met with Holmes Harbor Homeowners Association regarding a possibility that the Holmes Harbor Sewer District may be willing to incorporate stormwater into their overall responsibilities.

The Board, by unanimous motion, approved Stormwater Mitigation Agreements with B & H Construction of Washington, Lot 14, Block 5, Holmes Harbor #8 and Koetje Construction Inc., Lot 10, Block 3, Holmes Harbor #6, as presented.

**HEARING HELD: ORDINANCE #C-21-99 [PLG-006-99], Technical
corrections to the Island County Zoning Atlas**

Although scheduled for public hearing at 2:45 p.m., the hearing on Ordinance #C-21-99 actually began at t 4:00 p.m. due to the length of the prior matters before the Board. The purpose of the hearing was as advertised, for the purpose of considering Ordinance #C-21-99 [PLG-006-99] concerning technical amendments to the Island County Zoning Atlas to ensure zoning designations are consistent with the Comprehensive Plan adopted on September 28 and 29, 1999.

Phil Bakke, Comprehensive Plan Manager, and Jeff Tate, Planner, made the presentation. The technical corrections for today's hearing were explained in a memorandum dated March 25, 1999 from Mr. Bakke, and included a set of four maps for the Board's review as technical corrections to the Zoning Atlas. From that memo, Jeff Tate went through the four recommended corrections:

-

-

Map #36. Change from Rural Agriculture to Rural because the property was inadvertently zoned Rural Agriculture. The parcel is the Sherman Cemetery, Central Whidbey, 7.76 acres and intent all along was for Rural, and the owners were so advised, but the correction did not get made.

Map #439. Change from Rural to Rural Residential as part of the Freeland RAID. Ten acre parcel adjacent to the Plat of Holmes Harbor and has been annexed into the Holmes Harbor Water and Sewer District in 1993. Staff did not catch this because the revised Water and Sewer District maps had not been changed to reflect the annexation.

Map #492. Change from Rural Forest to Rural. Parcel is in the area of Honeymoon Bay Road and is only 10 acres and not in the tax program when the Rural Forest lands were designated and the parcel inadvertently paled in the RF designation, but should not have been considered for such designation.

Map #722. Change from Rural to Rural Residential as part of the Sandy Hook RAID. There is an inconsistency between the Comprehensive Plan map and the Zoning Atlas. The Zoning Atlas Map did not get changed to reflect the changes to the Comp Plan Map per the Board's action. The southern portion of the RAID was scaled back and that was changed correctly. Along with that change, however, there was an eastern portion of the RAID to tighten it along the road, and that is the portion that did not get changed on the Zoning Atlas Map.

PUBLIC COMMENTS

No public comments were made by any members of the public, for or against the proposed technical corrections to the Zoning Atlas.

BOARD ACTION

By unanimous motion, the Board approved Ordinance C-21-99 [PLG-006-99] concerning technical amendments to Island County's Zoning Atlas, as outlined in the Memorandum from the Island County Planning Department dated March 25, 1999.

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

IN THE MATTER OF AN ORDINANCE CONCERNING TECHNICAL AMENDMENTS TO ISLAND COUNTY'S ZONING ATLAS) ORDINANCE C-21-99) PLG-006-99))
--	---

WHEREAS, on September 28 and 29, 1998, the Board adopted the County's GMA Comprehensive Plan and Development Regulations; and

WHEREAS, by Ordinance C-123-98, the Board also adopted Chapter 17.03 ICC as Island County's official Zoning Code to implement its GMA Comprehensive Plan with the Zoning Atlas as the Official Zoning Map of Island County attached thereto as Exhibit C; and

WHEREAS, certain technical amendments to the Zoning Atlas have been identified to ensure that the zoning designations are consistent with the Comprehensive Plan.

NOW, THEREFORE, IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts certain technical amendments attached hereto as Exhibit A to the Island County Zoning Atlas (Exhibit C to Ordinance C-123-98).

Reviewed this 1st day of March, 1999 and set for public hearing at 2:45 p.m. on the 29th day of March, 1999.

**BOARD OF COUNTY
COMMISSIONERS OF**

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. F. Thorn, Member

Wm. L. McDowell, Member

ATTEST: Margaret Rosenkranz

Clerk of the Board

BICC 99-119

APPROVED AND ADOPTED this 29th day of March, 1999.

**BOARD OF COUNTY
COMMISSIONERS OF**

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. F. Thorn, Member

Wm. L. McDowell, Member

ATTEST: By: Ellen K. Meyer, Deputy

Margaret Rosenkranz, Clerk of the Board

APPROVAL/SIGNATURE - Resolution #C-36-99 (PLG-007-99), Expansion of Lagoon

Point Water District into Coordinated Water System Plan

Mr. Bakke presented Resolution #C-36-99 (PLG-007-99), Expansion of the Lagoon Point Water District into the Coordinated Water System Plan. The property is located near the intersection of Smuggler's Cove Road and Lagoon Point Road, Greenbank. The Water District submitted a proposal to add four lots outside of the Lagoon Point subdivision to their water service area. One of the four lots contains a 300,000 gallon reservoir that also serves Lagoon Point, another lot contains a well field made up of five wells that serve Lagoon Point. The other two lots are adjacent to the Lagoon Point subdivision. The application has been reviewed by the Department of Health and approved and also by Public works, Building and Island County Health Department. The Lagoon Point Water District has indicated a potential future service area on their plan, and should the District decide in the future to incorporate that into their existing service area, Board approval would be required.

By unanimous motion, the Board approved Resolution #C-36-99 [PLG-007-99] in the matter of incorporating the existing service area for the Lagoon Point Water District into the Coordinated Water System Plan.

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

IN THE MATTER OF INCORPORATING THE)
EXISTING SERVICE AREA FOR THE)
LAGOON POINT WATER DISTRICT INTO)
THE)
) RESOLUTION C-36-99
COORDINATED WATER SYSTEM PLAN)
) PLG-007-99
)

WHEREAS, the Lagoon Point Water District has prepared and submitted a water system plan per the Island County Coordinated Water System Plan, RCW 70.116, and WAC 248-56; and

WHEREAS, the water system plan and existing service area of the Lagoon Point Water District has been reviewed for consistency with the Island County Comprehensive Plan, the Island County Coordinated Water System Plan, and other applicable State and local codes and regulations.

WHEREAS, the Island County Public Works Department recommends approval of the Lagoon Point Water District area expansion.

WHEREAS, the Island County Health Department does not object to approval of the Lagoon Point Water District area expansion.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Island County Commissioners that the water system plan and proposed service area expansion for the Lagoon Point Water District be incorporated into the Island County Coordinated Water System Plan.

ADOPTED this 29th day of March, 1999.

**BOARD OF COUNTY
COMMISSIONERS**

**ISLAND COUNTY
WASHINGTON**

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: By Ellen K. Meyer, Deputy

Margaret Rosenkranz, Clerk of the Board

BICC 99-194

The action proposed by this resolution has been reviewed and found to meet the current Island County Zoning and Land Use Statutes.

Vincent J. Moore, Director of Planning

Letter of Intent – Fire District #3-space in new facility

Continuation from the Board's March 15th meeting of a proposed Letter of Intent to Fire District #3, was again brought up for further review and discussion concerning County's intent to enter into a long-term lease of a portion of the district's new Freeland Fire Station. Subsequent to that meeting, a new draft letter was prepared in accordance with the Board's consensus, and the Board met on March 17th with the Sheriff during staff session. The letter was now presented for the Board's approval and signature.

With the proposed letter now addressing all concerns expressed by the Board, the Board by unanimous motion approved the letter.

"Board of Fire Commissioners

Fire Protection District #3

2874 Verlane Street

Langley, Wa. 98260

Re: Interlocal Cooperation Agreement with Fire District #3

Dear Fire District Commissioners:

Pursuant to a request by your attorney, Jennifer Simpson, this letter confirms Island County's intent to enter into an Interlocal Cooperation Agreement with Fire District #3 concerning the construction of a new fire station in Freeland. The station would be jointly occupied by the Fire District and the Island County Sheriff's Office. The County would initially use its space to house a Sheriff's precinct office, and possibly a Commissioner's outlying office. The County would agree that its future uses will not be incompatible with building's primary use as a fire station.

Based upon the information received from the Fire District, we understand that the estimated cost of adding approximately 1,000 square feet of office space in your Freeland Station would be approximately \$110,000. The County agrees that Island County would pay a one-time advance of no more than \$110,000 to cover all construction costs as partial consideration for a long term lease of the space. As additional consideration, the County would pay its proportional share of the maintenance and repair costs associated with common facilities and fixtures each year, for the duration of the lease, and any renewal periods. The County would be responsible for any further tenant improvements within the space leased.

The Fire District would submit copies of draft plans and specifications for review and comment by the County. Two copies would be submitted for review upon completion of 50 percent of the project design, and should include preliminary cost estimates of the County's office space. Two copies would be submitted for review upon completion of 90 percent of the project design, and should include revised cost estimates. The County may, at its option, modify the design within budget limitations.

It is the County's intent that the lease would continue for the useful life of the building. The initial term of the lease would be twenty years, and the County would have a continuing right to renew the lease in ten-year increments, throughout the useful life of the building.

We understand that your attorney will be drafting an Interlocal Cooperation Agreement and lease to formalize the terms of this Agreement, in compliance with RCW 39.34. We are looking forward to working together with the Fire District in this venture."

EXECUTIVE SESSION

The Chairman announced that the Board would meet in Executive Session as allowed under R.C.W. 42.30.110 (1) (i), beginning at approximately 4:30 p.m., to discuss litigation with legal counsel representing the County. The Executive Session was expected to last between one-half to one hour, and was held in the Office of the County Commissioners at 502 N. Main, Coupeville, Wa. No announcement was made on conclusion of the Executive Session.

On conclusion of the Executive Session at 5:30 p.m., the meeting adjourned. The next Regular Meeting will April 5, 1999, beginning at 9:30 a.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

ATTEST: _____ William F. Thorn, Member

Margaret Rosenkranz, Clerk of the Board